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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LISA MARIE BELYEW,
Plaintiff,
v.
KORY L. HONEA, et al.,
Defendants.

No. 2:17-cv-00508 KJM AC P

ORDER

Plaintiff, a former county and current state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 13, 2023, the magistrate judge filed amended findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 91. Plaintiff has filed objections to the findings and recommendations (ECF No. 92), to which defendants have responded (ECF No. 93).


In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis. The court has reviewed plaintiff's objections and find the magistrate judge has already considered and

1 addressed those arguments in the findings and recommendations. As to plaintiff's argument
2 about qualified immunity, this court simply notes it is bound to apply the doctrine of qualified
3 immunity if it applies irrespective of whether it is a judge-made doctrine. *See Gomez v. City of*
4 *Vacaville*, 483 F. Supp. 3d 850, 865 (E.D. Cal. 2020).

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed September 13, 2023 (ECF No. 91), are
7 adopted in full;
- 8 2. The motion for summary judgment (ECF No. 65) is granted as to Claim One on the
9 ground Moreland did not violate plaintiff's Fourth Amendment rights;
- 10 3. This case is dismissed; and
- 11 4. Judgment shall be entered in defendants' favor.

12 DATED: December 21, 2023.

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16 CHIEF UNITED STATES DISTRICT JUDGE
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