1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 DANIEL LEE THORNBERRY, No. 2:17-CV-00953-TLN-DMC 12 Plaintiff. 13 **ORDER** v. 14 J. BAL, et al., 15 Defendants. 16 17 Plaintiff Daniel Lee Thornberry ("Plaintiff"), a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States 18 19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On February 19, 2020, the magistrate judge filed findings and recommendations which 21 were served on all parties and which contained notice to all parties that any objections to the 22 findings and recommendations were to be filed within fourteen days. (ECF No. 99.) Neither party filed objections to the Findings and Recommendations. 23 24 Accordingly, the Court presumes that any findings of fact are correct. See Orand v. 25 United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are 26 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 27 1983); see also 28 U.S.C. § 636(b)(1). 28 /// 1

Having reviewed the file under the applicable legal standards, the Court finds the Findings and Recommendations to be supported by the record and by the magistrate judge's analysis.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The Findings and Recommendations filed February 19, 2020 (ECF No. 99), are adopted in full;
 - 2. Plaintiff's motion for injunctive relief (ECF No. 64) is DENIED; and
- 3. Plaintiff's motion for summary judgment (ECF No. 63) is DENIED as premature and without prejudice to renewal following the close of discovery within the time limit for fling dispositive motions set in the Court's February 13, 2020, order.

IT IS SO ORDERED.

Dated: March 24, 2020

Troy L. Nunley

United States District Judge