1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 FOR THE EASTERN DISTRICT OF CALIFORNIA 9 10 TOM M. FRANKS, No. 2:17-cv-01056-KJM-CKD P 11 Plaintiff, 12 **ORDER** v. 13 J. CLARK KELSO, et al., 14 Defendants. 15 16 Plaintiff is a state prisoner proceeding pro se in this civil rights action filed under 17 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. 18 19 On February 22, 2023, the magistrate judge filed amended findings and recommendations, 20 which were served on all parties and which contained notice to all parties that any objections to 21 the findings and recommendations were to be filed within fourteen days. Neither party has filed 22 objections to the findings and recommendations. 23 The court presumes that any findings of fact are correct. See Orand v. United States, 24 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed 25 de novo. See Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law 26 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court 27 ...."). Having reviewed the file, the court finds the findings and recommendations to be 28 supported by the record and by the proper analysis. 1

## Accordingly, IT IS HEREBY ORDERED: 1. The amended findings and recommendations filed February 22, 2023, are adopted in full. 2. Defendant's motion for summary judgment (ECF No. 106) is denied as moot. 3. This action is dismissed with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. 4. The Clerk of Court shall close this case. DATED: March 29, 2023.