UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

TOM MARK FRANKS,

Plaintiff,

v.

J. CLARK KELSO, et al.,

Defendants.

No. 2:17-cv-1056 KJM CKD P

ORDER

Plaintiff, a 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 February 18, 2020, the magistrate judge filed 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 fourteen days. Plaintiff and defendant Giddings have filed objections to the findings and recommendations. Plaintiff submitted timely objections on February 25, 2020 (ECF No. 67), to which defendant Giddings responded (ECF No. 69); plaintiff then filed a second set on March 13, 2020 (ECF No. 70). Because plaintiff never sought leave to file a second set of objections, and because the second set is not timely,[1] the

[1] Documents submitted by prisoners are deemed filed in court on the day submitted to prison officials for mailing. *Houston v. Lack*, 487 U.S. 266, 270 (1988).

second set will be stricken. Plaintiff and Giddings each made additional unauthorized filings (ECF Nos. 75, 76), which the court disregards.

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.

Accordingly, IT IS HEREBY ORDERED that:

1. The objections submitted to the court by plaintiff on March 13, 2020 (ECF No. 70) are stricken.

2. The findings and recommendations filed February 18, 2020, are adopted in full.

3. Defendant's motion for summary judgment (ECF Nos. 35 & 50) is denied as to Claim II in plaintiff's complaint and is granted as to Claim III.

4. This matter is referred back to the assigned magistrate judge for further proceedings.

DATED: September 29, 2020.

CHIEF UNITED STATES DISTRICT JUDGE