1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 CHRISTOPHER LULL, No. 2:17-cv-01211-TLN-JDP 12 Plaintiff, 13 **ORDER** v. 14 CORY STEWART, 15 Defendant. 16 17 On September 2, 2021, the magistrate judge filed Findings and Recommendations herein 18 which were served on the parties and which contained notice that any Objections to the Findings 19 and Recommendations were to be filed within fourteen days. (ECF No. 81.) Plaintiff filed 20 Objections on September 16, 2021, (ECF No. 82), which this Court considered. 21 This Court reviews de novo those portions of the proposed findings of fact to which 22 objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As 23 24 to any portion of the proposed findings of fact to which no objection has been made, the Court 25 assumes its correctness and decides the motions on the applicable law. See Orand v. United 26 States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are 27 reviewed de novo. See Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983). 28 /// 1

The Court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the proposed Findings and Recommendations in full. Accordingly, IT IS ORDERED that: 1. The proposed Findings and Recommendations filed September 2, 2021, (ECF No. 81), are adopted; 2. Defendant Stewart's Motion for Summary Judgment, (ECF No. 65), is granted; 3. Plaintiff's Motion for Summary Judgment, ECF No. 68, is denied; 4. Judgment is entered in Defendants' favor and against Plaintiff; and 5. The Clerk of Court is directed to close the case. DATED: September 22, 2021 Troy L. Nunley United States District Judge