1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 CHARLES BLALOCK, No. 2:17-cv-01813-TLN-AC 12 Plaintiff. 13 **ORDER** v. 14 J. CLARK KELSO, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief 18 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 19 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On September 22, 2021, the magistrate judge filed findings and recommendations herein 21 which were served on all parties and which contained notice to all parties that any objections to 22 the findings and recommendations were to be filed within ten days. (ECF No. 51.) Both parties have filed objections to the findings and recommendations. (ECF Nos. 52, 53.) 23 24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 25 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the 26 Court finds the findings and recommendations to be supported by the record and by proper 27 analysis. 28 /// 1

## Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations filed September 22, 2021, (ECF No. 51), are adopted in full; 2. Defendant's motion for summary judgement, (ECF No. 45), is GRANTED in part and DENIED in part as follows: a. GRANTED as to the claim that Defendant delayed referring Plaintiff for an MRI and surgery. b. DENIED as to the claim that Defendant interfered with Plaintiff's pain management after Plaintiff's surgery. 3. This case proceeds on the claim that Defendant Miranda was deliberately indifferent by interfering with Plaintiff's pain management after Plaintiff's surgery. DATED: November 18, 2021 Troy L. Nunley United States District Judge