UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DARRYL DUNSMORE,

Plaintiff,

v.

M. THOMAS,

Defendant.

No. 2:17-cv-02355 KJM AC P

ORDER

Plaintiff, a state prisoner proceeding in forma pauperis is represented by counsel. He 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 August 11, 2023, the magistrate judge issued 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. ECF No. 32. Neither party has filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey,* 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

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. . . .”). 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 findings and recommendations issued August 11, 2023 (ECF No. 32), are ADOPTED in full;

2. Defendant’s motion for summary judgment (ECF No. 25) is DENIED, and

3. The matter is REFERRED BACK to the magistrate judge for all further proceedings.

DATED: September 25, 2023.

CHIEF UNITED STATES DISTRICT JUDGE