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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JON HUMES,

Plaintiff,

v.

DEPUTY BRANDON LUKINBILL,

Defendant.

No. 2:17-cv-02609 MCE KJN P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 26, 2021, the magistrate judge filed findings and recommendations herein 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 filed objections to the findings and recommendations.¹ Defendant did not file a reply.

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 carefully reviewed the entire file, the

¹Plaintiff now requests to be excluded from the class action lawsuit and the settlement. (ECF No. 54.) However, plaintiff’s request is untimely and filed in the wrong case. Plaintiff was required to opt out of the class action by timely filing a request to be excluded in Bangert v. County of Placer, No. 2:17-cv-1667 KJN (E.D. Cal.).

1 court finds the findings and recommendations to be supported by the record and by proper
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed August 26, 2021, are adopted in full;
- 5 2. Defendant's motion to dismiss (ECF No. 47) is granted; and
- 6 3. This action is dismissed with prejudice.

7 IT IS SO ORDERED.

8 Dated: October 8, 2021

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MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE