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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMUEL SALDANA,

Plaintiff,

v.

M.E. SPEARMAN, et al.,

Defendants.

No. 2:18-cv-0319 KJM AC 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 October 13, 2021, 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 twenty one days. ECF No. 69. 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 . . .”).

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

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed October 13, 2021, ECF No. 69, are adopted in
5 full;
- 6 2. Defendant's motion for summary judgment, ECF No. 56, is DENIED; and
- 7 3. This matter is referred back to the magistrate judge for all further pretrial proceedings.

8 DATED: January 5, 2022.

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11 CHIEF UNITED STATES DISTRICT JUDGE
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