1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 GLENN O'CONNOR, No. 2:19-cv-0658 KJM KJN P 12 Plaintiff. 13 v. **ORDER** 14 CALIFORNIA DEPARTMENT OF CORRECTIONS AND 15 REHABILITATION, et al... 16 Defendants. 17 18 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief 19 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided 20 by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 21 On July 3, 2019, the magistrate judge filed findings and recommendations, which were 22 served on plaintiff and which contained notice to plaintiff that any objections to the findings and 23 recommendations were to be filed within fourteen days. Plaintiff has timely filed objections to 24 the findings and recommendations and a motion to enlarge the record. 25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 26 court has conducted a *de novo* review of this case. Having reviewed the file, the court construes 27 plaintiff's objections, which are signed under penalty of perjury, as well as his motion to enlarge 28 the record as supplementing his May 2, 2019 motion for emergency relief. So construed, the

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| 1 | court declines to adopt the July 3, 2019 findings and recommendations. Instead, the matter will |
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| 2 | be referred back to the assigned magistrate judge for further consideration. The Clerk of the |
| 3 | Court will be directed to serve a copy of the findings and recommendations, ECF No. 23, |
| 4 | plaintiff's motion to enlarge the record, ECF No. 24, plaintiff's objections, ECF No. 25, and a |
| 5 | copy of this order on Supervising Deputy Attorney General Monica Anderson. Ms. Anderson |
| 6 | will be granted fourteen (14) days to respond to plaintiff's supplemental materials. |
| 7 | In accordance with the above, IT IS HEREBY ORDERED that: |
| 8 | 1. Plaintiff's motion to enlarge the record (ECF No. 24) is granted; |
| 9 | 2. The findings and recommendations filed July 3, 2019, are not adopted; |
| 10 | 3. The Clerk of the Court is directed to serve a copy of ECF Nos. 23, 24 and 25, and a |
| 11 | copy of this order on Supervising Deputy Attorney General Monica Anderson; |
| 12 | 4. Supervising Deputy Attorney General Monica Anderson is granted fourteen (14) days |
| 13 | from the date of this order to respond to plaintiff's supplementary materials; and |
| 14 | 5. This matter is referred back to the assigned magistrate judge for further consideration |
| 15 | in accordance with this order. |
| 16 | DATED: August 27, 2019. |
| 17 18 | UNITED STATES DISTRICT JUDGE |
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