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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERTO ROBLES,  
Plaintiff,  
v.  
E. NGUYEN,  
Defendant.

No. 2:19-CV-1538-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by Eastern District of California local rules.

On February 14, 2022, the Magistrate Judge filed findings and recommendations, which were served on the parties and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

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]

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1 court . . .”). Having reviewed the file, excepted as noted the court finds the findings and  
2 recommendations to be supported by the record and by the proper analysis. Specifically, the  
3 record supports the magistrate judge’s finding that “qualified immunity is not an issue in this  
4 case.” ECF No. 30 at 15. There is no basis to conclude that defendant violated a clearly  
5 established constitutional right and the court therefore declines to adopt the proposed alternative  
6 finding set out in the findings and recommendations, ECF No. 30, at 15:13-15.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Except as specifically noted in this order, the findings and  
9 recommendations filed February 14, 2022, are adopted in full;
- 10 2. Defendant Nguyen’s unopposed motion for summary judgment, ECF  
11 No. 25, is granted; and
- 12 3. The Clerk of the Court is directed to enter judgment and close this file.

13 DATED: June 21, 2022.

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17 CHIEF UNITED STATES DISTRICT JUDGE  
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