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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALVON SURRELL, SR.,

Plaintiff,

v.

CDCR SECRETARY OF OPERATIONS,
et al.,

Defendants.

No. 2:20-cv-00368-TLN-CKD

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 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 9, 2022, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations. (ECF No. 137.)

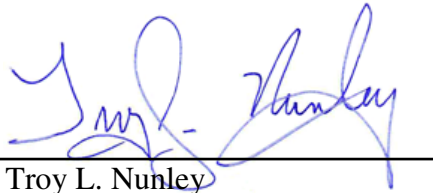
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper

1 analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The findings and recommendations filed November 9, 2022, are adopted in full.
- 4 2. Defendant's Motion for Summary Judgment (ECF No. 111) is GRANTED.
- 5 3. Plaintiff's Motion for Summary Judgment (ECF No. 120) is DENIED.
- 6 4. Plaintiff's Motion for a Temporary Restraining Order (ECF No. 121) is DENIED.
- 7 5. Plaintiff's Motion to Modify the Scheduling Order (ECF No. 109) is DENIED as moot.
- 8 6. This action is dismissed without prejudice.
- 9 7. The Clerk of the Court is directed to close this case.

10 **DATED: January 30, 2023**

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14 Troy L. Nunley
15 United States District Judge
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