

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL TYRONE SHANNON,
Plaintiff,
v.
CHERYL INNISS-BURTON,
Defendant.

No. 2:20-cv-02192-WBS-CKD

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 July 29, 2024, 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. Neither party filed objections to the findings and recommendations.


The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis.¹ Accordingly, IT IS HEREBY

¹ The findings and recommendations, in recounting defendant’s arguments, note defendant’s contention that plaintiff cannot pursue relief from defendant in her individual capacity as a matter of law, without directly addressing this contention. (See Docket No. 61 at 2; 50-1 at 11 (citing Miranda B. v. Kitzhaber, 328 F.3d 1181, 1187-88 (9th Cir. 2003).) Because

1 ORDERED that:

- 2 1. The findings and recommendations (ECF No. 61) are adopted in full.
3 2. Defendant's motion for summary judgment (ECF No. 50) is granted.
4 3. The Clerk of Court is directed to close this case.

5 Dated: August 30, 2024


6 WILLIAM B. SHUBB
7 UNITED STATES DISTRICT JUDGE

8

9

10

11

12

13

14 12/shan2192.801.msj

15

16

17

18

19

20

21

22

23

24

25

26

27

28

the court agrees with the magistrate judge's recommendations that the court dismiss the ADA claim based on lack of evidence of intentional discrimination, it need not address defendant's argument regarding plaintiff's ability to bring an ADA claim against defendant in her individual capacity.