

1 with the notation that delivery had been refused. Neither party has filed objections to the findings
2 and recommendations.

3 The court presumes that any findings of fact are correct. *See Orand v. United States*,
4 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed
5 de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law
6 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court
7 . . .”). Having reviewed the file, the court finds the findings and recommendations to be
8 supported by the record and by the proper analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The findings and recommendations filed September 7, 2023, are adopted in full.
- 11 2. Defendants' motion for summary judgment (ECF No. 46) is granted.
- 12 3. Defendants Britton and Rodriguez are dismissed from this action without prejudice.
- 13 4. Defendant Munguia is dismissed from this action with prejudice.
- 14 5. Plaintiff's partial motion for summary judgment (ECF No. 39) is denied.
- 15 6. The Clerk of Court enter judgment as indicated above and close this case.

16 DATED: March 27, 2024.

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20 CHIEF UNITED STATES DISTRICT JUDGE
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