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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL FIORITO,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 2:24-cv-00990-TLN-CKD P

ORDER

Plaintiff Michael Fiorito (“Plaintiff”), a state prisoner proceeding pro se, filed this civil rights action seeking relief under the Federal Tort Claims Act. 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 February 10, 2025, the magistrate judge filed findings and recommendations which were served on Plaintiff and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. The deadline has passed, and Plaintiff has not filed objections to the findings and recommendations.

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] court[.]”). Having reviewed the file, the Court finds the findings and recommendations to be supported by

1 the record and by the proper analysis. Accordingly, IT IS HEREBY ORDERED:

- 2 1. The findings and recommendations (ECF No. 9) are ADOPTED in full;
- 3 2. Plaintiff's motion for injunctive relief (ECF No. 5) is DENIED; and
- 4 3. This case is remanded back to the assigned magistrate judge for further pretrial
- 5 proceedings.

6 DATED: March 11, 2025

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TROY L. NUNLEY
CHIEF UNITED STATES DISTRICT JUDGE