UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JASON EPPS,

Plaintiff,

v.

WILLIAM SHAW, et al.,

Defendants.

Case No. 3:07-CV-0361-KJD-VPC

ORDER

Currently before the Court is Defendants' Motion for Summary Judgment (#24), filed August 4, 2008. Plaintiff filed an Opposition (#27), on August 25, 2008, to which Defendants filed a Reply (#28), on September 8, 2009. On January 30, 2009, Magistrate Judge Valerie P. Cooke filed a Report and Recommendation (#29), recommending that the Court grant Defendants' Motion for Summary Judgment as to all counts.

The Court has reviewed the Magistrate Judge's Report and Recommendation, together with the Motion, Opposition, and Reply, and upholds the Magistrate Judge's Recommendation to Grant Summary Judgment in favor of Defendants.

Specifically, as pointed out in the Magistrate Judge's Report and Recommendation, the Court finds that (1) there are no issues of fact as to whether Defendant Jermyn issued Plaintiff a notice of charges because Plaintiff had filed a grievance against him; (2) there are no issues of fact as to

whether Defendants Stalnaker and Shaw conspired to expedite Plaintiff's disciplinary hearing in retaliation for Plaintiff's use of the grievance system; and (3) there are no issues of fact as to whether Defendants transferred Plaintiff to ESP in retaliation for Plaintiff's filing of the instant lawsuit.

Additionally, pursuant to 28 U.S.C. § 636(b)(1)(c) and LR IB 3-2, a party may file written objections to a magistrate judge's report and recommendation within ten days of receipt. Here, the Report and Recommendation advised Plaintiff regarding the filing of an opposition within ten days pursuant to 28 U.S.C. § 636(b)(1)(c) and LR IB 3-2; however, the Plaintiff, to date, has failed to file an opposition.

Accordingly, **IT IS HEREBY ORDERED** that the Magistrate Judge's Report and Recommendation is upheld, and Defendants' Motion for Summary Judgment (#24), is **GRANTED**.

DATED this 19th day of February 2009.

Kent J. Dawson
United States District Judge