

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LANCE WILLIAMS,

Plaintiff,

v.

ROMERO, et al.,

Defendants.

No. 2:17-cv-01884-TLN-DB

ORDER

Plaintiff Lance Williams (“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 August 14, 2020, 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 30 days. (ECF No. 92.) Both parties filed objections to the findings and recommendations.¹ (ECF Nos. 94, 97.) On October 5, 2020, Plaintiff filed additional objections to Defendants’ objections to the findings and recommendations. (ECF No. 101.)

¹ On September 28, 2020, Plaintiff filed a motion for a 30-day extension of time to file a reply to Defendants’ objections to the findings and recommendations. (ECF No. 100.) The Court GRANTS Plaintiff’s request for an extension of time and will permit the filing.

1 The Court reviews *de novo* those portions of the proposed findings of fact to which
2 objection has been made. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore*
3 *Business Machines*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982); *see*
4 *also Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the proposed
5 findings of fact to which no objection has been made, the Court assumes its correctness and
6 decides the motions on the applicable law. *See Orand v. United States*, 602 F.2d 207, 208 (9th
7 Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*. *See Britt v. Simi*
8 *Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

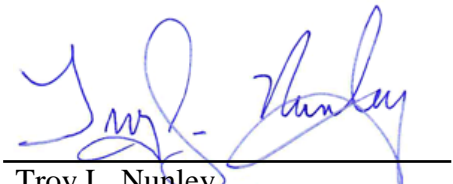
9 Having carefully reviewed the entire file under the applicable legal standards, the Court
10 finds the Findings and Recommendations to be supported by the record and by the magistrate
11 judge's analysis.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The Findings and Recommendations filed August 14, 2020 (ECF No. 92), are adopted
14 in full;
- 15 2. Defendants' Motion for Summary Judgment (ECF No. 76) is DENIED;
- 16 3. Plaintiff's Motion to Amend the Complaint to add Correctional Officer Zuniga as a
17 Defendant is GRANTED; and
- 18 4. Defendants' Motion to Amend the Answer (ECF No. 91) is DENIED as moot.

19 IT IS SO ORDERED.

20 DATED: October 21, 2020

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24 Troy L. Nunley
25 United States District Judge
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