

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES ANTHONY MORRIS,

Plaintiff,

vs.

DR. CLAUD MITCHELL; DR. DOUGLAS
C. PETERSON; DR. M. PENNER; DR.
VONG; JANE DOE, sued in their individual
capacities; and CHERYL PLILER; LINDA
L. RIANDA; and RICK MANUEL, sued in
their individual and official capacities,

Defendants.

Case No. 2:02-cv-02489-JKS

ORDER FROM CHAMBERS
[Re: Motions at Dockets 87 and 88]

I. MOTIONS PRESENTED

At docket 87 defendant Dr. Douglas C. Peterson (“Peterson”) has filed a motion for summary judgment and at docket 88 defendant Cheryl Pliler (“Pliler”) has filed a motion for summary judgment.¹ Plaintiff James Anthony Morris (“Morris”), appearing *pro se*, has not filed an opposition to the two motions for summary judgment filed by the defendants.² No party has requested oral argument and the court has determined that oral argument would not be of assistance in deciding the motions.

¹ The Court has previously granted the motions of defendant’s Dr. M. Penner, Rick Manuel, and Linda L. Rianda for summary judgment and dismissed them from the case (Docket Nos. 83 and 84). In addition, the Court dismissed the complaint as against defendant Dr. Claud Mitchell (Docket No. 82). Defendants Peterson and Pliler are the sole remaining defendants in this action.

² See Order from Chambers at Docket No. 91 directing Plaintiff to file an opposition not later than November 10, 2006. The record does not show any responsive filing by Plaintiff.

II. DECISION AND ORDER

For the reasons stated in the Order at Docket 91, the motions for summary judgment filed by Dr. Douglas C. Peterson at Docket No. 87 and Cheryl Pliler at Docket No. 88, are GRANTED.

IT IS ORDERED THAT the complaint be, and it hereby is, DISMISSED, with prejudice; plaintiff to take nothing by way thereof.

IT IS FURTHER ORDERED THAT each party is to bear his or her own attorney's fees and costs.

The Clerk of the Court to enter final judgment accordingly.

Dated at Anchorage, Alaska this 22nd day of November, 2006.

s/ James K. Singleton, Jr.
JAMES K. SINGLETON, JR.
United States District Judge