UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

NORBERT M. PAYTON, Plaintiff, v. MONTGOMERY, Defendant.	No. 2:22-cv-1177 DJC AC ORDER

Plaintiff, a state prisoner proceeding pro se, 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 July 21, 2025, 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 fourteen days. ECF No. 40. Neither party filed objections to the findings and recommendations.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the Magistrate Judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (ECF No. 40) are adopted in full;

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2. Plaintiff's declaration and motion for relief (ECF No. 37) is construed in part as a motion to amend the complaint and for a preliminary injunction and, as such, is denied; and

3. This matter is referred back to the assigned Magistrate Judge for all further pretrial proceedings.

IT IS SO ORDERED.

Dated: **September 5, 2025**

Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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