UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ARVELLO L. TUFONO,

Plaintiff,

v.

AMANDEEP DHILLION, et al.,

Defendants.

No. 2:23-cv-02691-DAD-SCR (PC)

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND GRANTING PLAINTIFF'S MOTION TO REOPEN THE CASE

(Doc. Nos. 34, 36)

Plaintiff Arvello L. Tufono is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 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 November 7, 2025, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's unopposed motion to reopen this closed case be granted. (Doc. No. 36.) Specifically, the magistrate judge concluded that plaintiff's declaration established his excusable neglect, demonstrated plaintiff's inability to comply the court's orders due to his mental health crisis, and excused his failure to file an opposition to defendants' summary judgment motion, thereby providing a basis for the granting of the requested relief from judgment. (*Id.* at 3.)

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The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within twenty-one (21) days after service. (*Id.* at 3–4.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly:

1. The findings and recommendations issued on November 7, 2025 (Doc. No. 36) are adopted in full;
2. Plaintiff's motion to re-open this case (Doc. No. 34) is GRANTED;
3. The Clerk of the Court is directed to re-open this case; and
4. This matter is referred back to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: **February 25, 2026**

Dale A. Drozd

DALE A. DROZD
UNITED STATES DISTRICT JUDGE