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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON LATRELL THOMAS,

Case No. 1:06-cv-01332 LJO JLT (PC)

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

vs.

(Doc. 97)

D. SHEPPARD-BROOKS, et al.,

Defendants.

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action 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 February 4, 2011, the assigned magistrate judge filed findings and recommendations recommending that Plaintiff’s motion for partial summary judgment be denied. (Doc. 97.) As an initial matter, the assigned magistrate judge noted that Plaintiff’s motion did not comply with the procedural requirements set forth in Local Rule 260(a). (Id. at 4-5.) The assigned magistrate judge then found that based upon the evidence presented by the parties, genuine issues of material fact remain as to whether Defendants Gonzales, Wilber, and James acted with “deliberate indifference” to Plaintiff’s safety. (Id. at 6-9.)

The findings and recommendations contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days of being served with the

1 findings and recommendations. As of the date of this order, Plaintiff has not filed objections to the
2 findings and recommendations.

3 In accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, the Court has conducted
4 a de novo review of this case. Having carefully reviewed the entire file, the Court finds the findings
5 and recommendations to be supported by the record and proper analysis.

6 Accordingly, **IT IS HEREBY ORDERED** that:

- 7 1. The findings and recommendations of the magistrate judge filed February 4, 2011,
8 are adopted in full; and
- 9 2. Plaintiff's June 29, 2010, motion for partial summary judgment (Doc. 81) is
10 **DENIED.**

11 IT IS SO ORDERED.

12 **Dated:** March 7, 2011

13 /s/ Lawrence J. O'Neill
14 UNITED STATES DISTRICT JUDGE
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