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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DENELL CAVER,

Plaintiff,

v.

E. GOMEZ, et al.,

Defendants.

Case No. 1:11-cv-01025-AWI-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DENYING
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT, AND REFERRING MATTER
BACK TO MAGISTRATE JUDGE TO SET
FOR TRIAL

(Docs. 76 and 92)

Plaintiff Denell Caver ("Plaintiff"), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on June 20, 2011. This action is proceeding on Plaintiff's second amended complaint, filed on April 10, 2012, against Defendants Gomez, Stark, and Garcia ("Defendants") for acting with deliberate indifference to Plaintiff's safety, in violation of the Eighth Amendment of the United States Constitution.

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 27, 2015, the Magistrate Judge issued Findings and Recommendations recommending Defendants' motion for summary judgment be denied. No Objections were filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed on July 27, 2015, is adopted in full;
 2. Defendants' motion for summary judgment, filed on January 23, 2015, is DENIED;
- and
3. This action is referred back to the Magistrate Judge to be set for trial.

IT IS SO ORDERED.

Dated: August 19, 2015



SENIOR DISTRICT JUDGE