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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CHARLES T. CLAGETT, III, ) NO. CV 08-6251-JFW (MAN)  
 )  
Plaintiff, ) ORDER ACCEPTING FINDINGS AND  
 )  
v. ) RECOMMENDATIONS OF UNITED STATES  
 )  
JOSEPH WOODRING, et al., ) MAGISTRATE JUDGE  
 )  
Defendants. )  
\_\_\_\_\_ )

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Second Amended Complaint, defendants' motion for summary judgment ("Motion"), all of the files and records herein, the Report and Recommendation of United States Magistrate Judge ("Report"), and the Objections filed by plaintiff. The time for filing Objections had passed and no Objections have been filed by defendants. The Court has conducted a *de novo* review of those portions of the Report to which Objections have been stated in writing. The Court accepts the findings and recommendations set forth in the Report.

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///

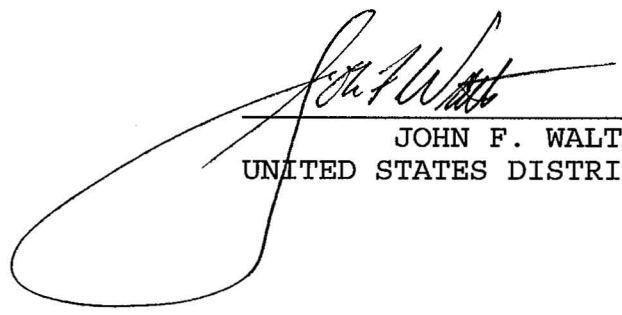
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IT IS ORDERED that:

1. The Motion is GRANTED, in part, to grant defendants summary judgment on plaintiff's Fifth Amendment and Eighth Amendment claims based on the removal of his bedding, and those claims are dismissed with prejudice; and
  
2. The Court's ruling on the remainder of the Motion, and thus on the question of whether or not summary judgment is warranted as to the remainder of plaintiff's claims, is DEFERRED pending the further proceedings contemplated in the Report and the Magistrate Judge's issuance of a separate Report and Recommendation with respect to those remaining claims.

IT IS FURTHER ORDERED that the Clerk serve copies of the Order on plaintiff and on counsel for defendants.

DATED: 3/5/12.

  
\_\_\_\_\_  
JOHN F. WALTER  
UNITED STATES DISTRICT JUDGE