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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

DONALD GLASS,

Plaintiff,

v.

R. BEER, et al.,

Defendants.

CASE NO. 1:04-cv-05466-OWW-SMS PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, AND DENYING  
DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT

(Docs. 103 and 182)

ORDER REFERRING MATTER BACK TO  
MAGISTRATE JUDGE TO SET FOR JURY  
TRIAL

\_\_\_\_\_ /  
This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Plaintiff Donald Glass, a state prisoner proceeding pro se. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On July 28, 2009, the Magistrate Judge filed a Findings and Recommendations recommending that Defendants' motion for summary judgment be denied. The parties were given thirty days within which to file objections. No objections were filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this 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.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed July 28, 2009, is adopted in full;
2. Defendants' motion for summary judgment, filed August 8, 2006, is DENIED, and

3. This matter is referred back to the Magistrate Judge to set for jury trial.

IT IS SO ORDERED.

**Dated: September 9, 2009**

**/s/ Oliver W. Wanger**  
UNITED STATES DISTRICT JUDGE