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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CLARENCE HOWARD,

Plaintiff,

v.

GRADTILLO, et al.,

Defendants.

CASE NO. 1:05-cv-00906-AWI-SAB PC

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

(ECF Nos. 79 & 99)

Plaintiff Clarence Howard (“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 13, 2005. 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 March 16, 2012, Defendants filed a motion for summary judgment. Fed. R. Civ. P. 56(a). (ECF No. 79.) On May 8, 2012, Plaintiff submitted an opposition and a memorandum in support of the opposition. (ECF Nos. 81 & 82.) On May 11, 2012, Defendants submitted a reply. (ECF No. 84.) On August 2, 2012, the Court issued an order permitting Plaintiff opportunity to withdraw his opposition and file an amended opposition in light of Woods v. Carey, 684 F.3d 934 (9th Cir. 2012). (ECF No. 87.) Plaintiff filed an amended opposition on October 3, 2012. (ECF No. 91.) Defendants submitted a reply on October 10, 2012. (ECF No. 92.) On March 18, 2013, the Magistrate Judge issued a findings and recommendations recommending denying Defendants’ motion for summary judgment. (ECF No. 99.) Neither party objected to the findings and recommendations.

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

4 Accordingly, it is HEREBY ORDERED that

- 5 1. The Court adopts the findings and recommendations filed on March 18, 2013, in full;
- 6 2. The motion for summary judgment is denied; and
- 7 3. This matter is referred back to the Magistrate Judge.

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9 IT IS SO ORDERED.

10 Dated: May 1, 2013



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12 SENIOR DISTRICT JUDGE
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