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8   **IN THE UNITED STATES DISTRICT COURT**

9   **FOR THE EASTERN DISTRICT OF CALIFORNIA**

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11 DANIEL PROVENCIO, JR., personally   ) CASE NO. 1:07-cv-00069-AWI- JLT
    and as successor in interest to DANIEL)
12 PROVENCIO, deceased, by his   ) ORDER ADOPTING FINDINGS AND
    guardian ad litem, Maria Lucero, et al.,) RECOMMENDATIONS IN FULL AND
13   ) GRANTING MOTION FOR SUMMARY
            Plaintiffs,   ) JUDGMENT FILED BY DEFENDANT SONGER
14   )
         v.   ) (Docs. 159, 200)
15   )
    PATRICIA L. VAZQUEZ, et al.,   )
16   )
            Defendants.   )
17   )
)
18   )

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20   Plaintiffs filed this civil rights action seeking relief under 42 U.S.C. § 1983. On February 18,

21 2010, defendant Michael Songer filed his motion for summary judgment. On May 13, 2010, the Court

22 referred the matter to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

23   On June 16, 2010, the Magistrate Judge filed a Findings and Recommendations that

24 recommended to the Court that it grant defendant Songer's motion for summary judgment. Plaintiffs

25 were granted 14 days from June 16, 2010 to file objections to the recommendation. The findings and

26 recommendations were served on Plaintiffs by mail on June 16, 2010.   On July 5, 2010, Plaintiff

27 Johnnie G. Provencio filed objections.

28   In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and Britt v. Simi Valley United

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School Dist., 708 F.2d 452, 454 (9th Cir. 1983), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court finds that the findings and recommendation are supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings/report and recommendations filed June 16, 2010, are ADOPTED IN FULL; and

2. Defendant Songer is granted summary judgment.

IT IS SO ORDERED.

Dated: July 21, 2010

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CHIEF UNITED STATES DISTRICT JUDGE