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**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

ESS'N AUBERT,	)	NO. 1:07 cv 001629 AWI GSA PC
	)	
Plaintiff,	)	ORDER ADOPTING FINDINGS AND
	)	RECOMMENDATIONS
v.	)	(ECF No. 76 )
	)	
KEVIN ELIJAH, et al.,	)	
	)	
Defendants.	)	

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Plaintiff is a state prisoner proceeding pro se in this civil rights action. 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 1, 2013, [findings and recommendations](#) were entered, recommending that Defendant Garcia's motion for summary judgment be denied. The parties were provided twenty days in which to file objections. To date, no objections to the findings and recommendations have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 305, 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 proper analysis.

Accordingly, THE COURT HEREBY ORDERS that:

1. The Findings and Recommendations issued by the Magistrate Judge on March 1,

1 2013, are adopted in full.

2 2. Defendant Garcia's motion for summary judgment is denied.

3 3. This action is referred to the Magistrate Judge for further pretrial proceedings as to  
4 Defendants Elijah and Garcia.

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6 IT IS SO ORDERED.

7 **Dated: March 26, 2013**

**/s/ Lawrence J. O'Neill**  
UNITED STATES DISTRICT JUDGE

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