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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JEAN-PIERRE K. THOMAS,

Plaintiff,

v.

M. GARCIA, et al.,

Defendants.

CASE NO. 1:08-cv-00689-LJO-DLB PC

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

ECF No. 129

Plaintiff Jean-Pierre K. Thomas (“Plaintiff”) is a California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s complaint against Defendants M. P. Garcia and Bonilla for excessive force in violation of the Eighth Amendment. On April 9, 2012, Defendants filed a Motion for [Summary Judgment](#). ECF No. 115. 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 November 6, 2012, the Magistrate Judge filed a [Findings and Recommendations](#) which was served on the parties and which contained notice to the parties that any objection to the Findings and Recommendations was to be filed within fourteen days. ECF No. 129. No party filed a timely Objection to the Findings and Recommendations.

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

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed November 6, 2012, is adopted in full;
2. Defendants' Motion for Summary Judgment, filed April 9, 2012, is denied; and
3. The matter is referred to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

**Dated:** December 10, 2012

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