

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

IVAN RAY CARTER, JR.,

Plaintiff,

v.

A. FERNANDEZ, et al.,

Defendants.

CASE NO. 1:08-CV-01841-AWI-DLB PC

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

(DOC. 89)

Plaintiff Ivan Ray Carter, Jr., ("Plaintiff") is a California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On November 17, 2010, Defendants filed a [motion](#) for summary judgment. Doc. 76. 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 May 25, 2011, 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 twenty-one days. Doc. 89. Neither 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 action. 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 May 25, 2011, is adopted in full;
2. Defendants' motion for summary judgment, filed November 17, 2010, is denied;
3. This action is referred to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: September 20, 2011


CHIEF UNITED STATES DISTRICT JUDGE