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5	UNITED STATES DISTRICT COURT			
6	EASTERN DISTRICT OF CALIFORNIA			
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8	SAMUEL KENNETH PORTER, CASE NO. 1:10-cv-01811-AWI-DLB PC			
9 10	v. Plaintiff, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DENYING DEFENDANTS' MOTION FOR SUMMARY			
11	JUDGMENT CAPTAIN JENNINGS, et al.,			
12	ECF No. 115 Defendants.			
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16	Plaintiff Samuel Kenneth Porter ("Plaintiff") is a California state prisoner proceeding pro se			
17	in this civil action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's First Amended			
18	<u>Complaint</u> , filed April 14, 2011, against Defendants Jennings and Lowe for failure to protect in			
19	violation of the Eighth Amendment. ECF No. 12. On June 25, 2012, Defendants Jennings and			
20	Lowe filed a Motion for Summary Judgment. ECF No. 66. The matter was referred to a United			
21	States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.			
22	On February 12, 2013, the Magistrate Judge filed a Findings and Recommendations which			
23	was served on the parties and which contained notice to the parties that any objection to the Findings			
24	and Recommendations was to be filed within fourteen days. ECF No. 115. Defendants filed an			
25	Objection to the Findings and Recommendations on February 25, 2013. ECF No. 118.			
26	In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a <i>de</i>			
27	novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and			
28	Recommendations to be supported by the record and by proper analysis.			
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1	Accordingly, IT IS HEREBY ORDERED that:				
2	1.	1. The Findings and Recommendations, filed February 12, 2013, is adopted in full;			
3	2.	2. Defendants Jennings and Lowe's Motion for Summary Judgment, filed June 25,			
4		2012, is denied; and			
5	3.	The matter is referred to the Magistrate Judge for further proceedings	3.		
6	IT IS SO OF	PRDERED.			
7	Dated: M	March 21, 2013			
8		SENIOR DISTRICT JUD	GE		
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