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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CLARENCE LEON DEWS,

Plaintiff,

v.

COUNTY OF KERN, et al.,

Defendants.

Case No. 1:12-cv-0245-AWI-MJS (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF’S MOTION FOR SUMMARY
JUDGMENT

ECF Numbers #30 & #35

Plaintiff Clarence Leon Dews is a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on July 25, 2013. 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 February 26, 2014, the Magistrate Judge issued a findings and recommendations recommending Plaintiff’s motion for summary judgment be denied. Specifically, the Magistrate Judge found that a summary judgment motion was premature because the Court has not yet found Plaintiff’s First Amended Complaint states a claim. As such, the First Amended Complaint has not yet been served on Defendants. On March 12, 2014, Plaintiff filed objections.

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In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, 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.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The Findings and Recommendations, filed February 26, 2014, are adopted in full;
- 2. Plaintiff's motion for summary judgment is DENIED without prejudice.

IT IS SO ORDERED.

Dated: March 26, 2014



SENIOR DISTRICT JUDGE