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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RAFAEL GUZMAN,) Case No.: 1:12-cv-00828-LJO-SAB (PC)
)
Plaintiff,)
)
v.) ORDER ADOPTING FINDINGS AND
) RECOMMENDATIONS, DENYING
) DEFENDANTS' MOTION FOR SUMMARY
JOHN MARSHALL, et al.,) JUDGMENT
)
Defendants.) [ECF Nos. 46, 53]
)
)

Plaintiff Rafael Guzman is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

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 December 17, 2015, the Magistrate Judge filed Findings and Recommendation which was served on the parties and which contained notice to the parties that objections to the Findings and Recommendation were to be filed within thirty days. No objections were filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendation 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 on December 17, 2015, is adopted in full;
and
2. Defendants' motion for summary judgment is DENIED, and this matter shall proceed to jury trial.

IT IS SO ORDERED.

Dated: February 11, 2016

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