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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES CATO, JR.,
Plaintiff,
v.
DIRECTOR OF CORRECTIONS AND
REHABILITATION, et al.,
Defendants.

Case No. 1:12-cv-01331-LJO-MJS (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATION TO DENY
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT WITHOUT
PREJUDICE**

(ECF No. 34)

CASE TO REMAIN OPEN

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought 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 of the United States District Court for the Eastern District of California.

On June 29, 2015, the Magistrate Judge issued findings and a recommendation to deny Defendants' motion for summary judgment without prejudice. (ECF No. 34.) 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 recommendations to be supported by the record and by proper analysis.

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. The Court adopts the findings and recommendation (ECF No. 34), filed
3 June 29, 2015, in full; and
4 2. Defendants' motion for summary judgment (ECF No. 26) is denied without
5 prejudice to Defendants refiling a properly supported motion within thirty
6 days of the date of this order.

7 IT IS SO ORDERED.

8 Dated: July 17, 2015

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

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