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

NORMAN GERALD DANIELS III,)	Case No.: 1:13-cv-00202-AWI-SAB (PC)
Plaintiff,)	
v.)	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, AND GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND DIRECTING CLERK OF COURT TO ENTER JUDGMENT
STU SHERMAN,)	
Defendant.)	
)	[ECF Nos. 76, 87, 127, 134]

Plaintiff Norman Gerald Daniels III 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 August 3, 2017, the Magistrate Judge filed a Findings and Recommendations recommending that Plaintiff's motion for summary judgment be denied and Defendant's motion for summary judgment be granted. The Finding and Recommendations were served on the parties and contained notice that objections were to be filed within thirty days. Plaintiff filed objections on October 6, 2017, and Defendant filed a response on October 20, 2017.

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. In light of that conclusion, Defendant's motion to strike Plaintiff's sur-reply will be denied as moot.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed on August 3, 2017, are adopted in full;
2. Plaintiff's motion for summary judgment (ECF NO 76 is DENIED;
3. Defendant's motion for summary judgment is GRANTED;
4. Defendant's motion to strike (ECF. No. 134) is DENIED as moot; and
4. The Clerk of Court is directed to enter judgment in favor of Defendant Stu Sherman.

IT IS SO ORDERED.

Dated: November 16, 2017



SENIOR DISTRICT JUDGE