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

DeWAYNE THOMPSON,  
  
                    Plaintiff,  
  
          vs.  
  
ADAMS, et al.,  
  
                    Defendants.

Case No. 1:13-cv-00655-AWI-SKO (PC)  
  
**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS DENYING  
DEFENDANTS’ MOTION FOR  
SUMMARY JUDGMENT**  
  
(Docs. 45, 56)

Plaintiff, DeWayne Thompson, is a state prisoner proceeding *pro se* and *in forma pauperis* with 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. This action is proceeding on two claims under the Eighth Amendment in Plaintiff’s Fourth Amended Complaint (Doc. 21) against: (1) Defendants Felix, Harmon, Pendergrass, and Cruz for failing to decontaminate Plaintiff following the application of pepper spray (“decontamination claim”); and (2) Defendant Brodie for depriving Plaintiff of outdoor exercise (“exercise claim”). (*See* Doc. 23, Screen F&R; Doc. 25, Screening Order.)

Defendants filed a motion for summary judgment. (Doc. 45.) On August 5, 2016, the Magistrate Judge issued Findings and Recommendations to deny the motion which was served that same date and gave thirty days for the parties to file objections. (Doc. 56.) More than the allowed time has lapsed and no objections have been filed.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
2 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the  
3 Findings and Recommendations to be supported by the record and by proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Findings and Recommendations, issued on August 5, 2016 (Doc. 56), is adopted  
6 in full;
- 7 2. Defendants' motion for summary judgment, filed on October 14, 2015 (Doc. 45), is  
8 denied; and
- 9 3. The matter is referred to the Magistrate Judge for further proceedings.

10  
11 IT IS SO ORDERED.

12 Dated: September 12, 2016

  
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13 SENIOR DISTRICT JUDGE