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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DIJON KINNEY,
Plaintiff,
v.
P.D. BRAZELTON, et al.,
Defendants.

Case No. 1:14-cv-00503-AWI-MJS (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

(ECF No. 65)

**ORDER DENYING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

(ECF No. 37)

**ORDER GRANTING MOTION TO
STRIKE**

(ECF No. 47)

ORDER STRIKING ECF Nos. 44 AND 45

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 action proceeds against Defendant Flores on Plaintiff's Eighth Amendment claims for inadequate medical care and cruel and unusual punishment. 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.

1 On August 18, 2016, the Magistrate Judge issued findings and recommendations
2 to deny Defendant's motion for summary judgment and to grant Defendant's motion to
3 strike Plaintiff's unauthorized surreplies. (ECF No. 65.) Defendant filed objections. (ECF
4 No. 67.) Plaintiff filed no response.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has
6 conducted a de novo review of this case. The matters raised by Defendant's objections
7 were addressed by the Magistrate Judge. The objections do not raise an issue of fact or
8 law under the findings and recommendations. Having carefully reviewed the entire file,
9 the Court finds the findings and recommendations to be supported by the record and by
10 proper analysis.

11 Accordingly, it is HEREBY ORDERED that:

- 12 1. The Court adopts the August 18, 2016 findings and recommendations
13 (ECF No. 65) in full;
- 14 2. Defendant's motion for summary judgment (ECF No. 37) is DENIED;
- 15 3. Defendant's motion to strike (ECF No. 47) is GRANTED; and
- 16 4. Plaintiff's unauthorized surreply and objections (ECF Nos. 44 and 45) are
17 STRICKEN.

18 IT IS SO ORDERED.

19 Dated: September 22, 2016

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21 SENIOR DISTRICT JUDGE
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