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2 **UNITED STATES DISTRICT COURT**
3 **EASTERN DISTRICT OF CALIFORNIA**
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5 JOSHUA A. WILLARD,) Case No.: 1:14-cv-1951-AWI-SAB (PC)
6 Plaintiff,)
7 v.) ORDER ADOPTING FINDINGS AND
8 J. NEIBERT, et al.,) RECOMMENDATIONS, GRANTING
9 Defendants.) DEFENDANTS' MOTION TO STRIKE
10) PLAINTIFF'S SURREPLY, AND DENYING
) DEFENDANTS' MOTION FOR SUMMARY
) JUDGMENT
) [ECF Nos. 37, 43, 44]

11 Plaintiff Joshua A. Willard is appearing pro se and in forma pauperis in this civil rights action
12 pursuant to 42 U.S.C. § 1983. On July 5, 2016, Defendants filed a motion for summary judgment.

13 The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. §
14 636(b)(1)(B) and Local Rule 302. On December 1, 2016, the Magistrate Judge filed a Findings and
15 Recommendations which was served on the parties and contained notice that objections were to be
16 filed within thirty days. Over thirty days have passed, and no objections were filed.

17 In accordance with the provisions of 28 U.S.C. § 636(b), the Court has reviewed the matter.
18 Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be
19 supported by the record and by proper analysis.

20 Accordingly, IT IS HEREBY ORDERED that:

- 21 1. The Findings and Recommendations, filed on December 1, 2016 (Doc. 44), are adopted in full;
22 2. Defendants' motion to strike Plaintiff's surreply (Doc. 43) is granted;
23 3. Defendants' motion for summary judgment is denied (Doc. 37); and
24 4. The matter is referred back to the assigned Magistrate Judge for trial scheduling.

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26 IT IS SO ORDERED.

27 Dated: February 8, 2017

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SENIOR DISTRICT JUDGE

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