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

ALBERT J. HAMILTON,  
Plaintiff,  
v.  
CLENDEHEN,  
Defendant.

) Case No.: 1:15-cv-00661-AWI-SAB (PC)  
)  
) ORDER ADOPTING FINDINGS AND  
) RECOMMENDATIONS, DENYING  
) DEFENDANT’S MOTION TO DISMISS,  
) DENYING, WITHOUT PREJUDICE,  
) PLAINTIFF’S MOTION FOR SUMMARY  
) JUDGMENT, DENYING PLAINTIFF’S MOTION  
) FOR INJUNCTIVE RELIEF AND DIRECTING  
) DEFENDANT TO FILE A RESPONSE TO THE  
) COMPLAINT WITHIN THIRTY DAYS FROM  
) THE DATE OF SERVICE OF THIS ORDER  
)  
) [ECF Nos. 46, 55, 56, 60, 61, 62,63]  
)

Plaintiff Albert J. Hamilton is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(c), Plaintiff consented to the jurisdiction of the United States Magistrate Judge on May 28, 2015. Local Rule 302.

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 November 7, 2016, the Magistrate Judge filed three separate Findings and Recommendations recommending that Defendant’s motion to dismiss be denied, Plaintiff’s motion for summary judgment be denied without prejudice, and Plaintiff’s motion for injunctive relief be denied. (ECF Nos. 60, 61, 62.) The Findings and Recommendations were served on the parties and contained notice that objections were to be filed within thirty days. On November

1 28, 2016, Plaintiff filed objections to the Findings and Recommendation recommending denial of his  
2 motion for summary judgment. (ECF No. 63.)

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

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Findings and Recommendations filed on November 7, 2016 (Doc. Nos. 60, 61, 62)  
8 are adopted in full;
- 9 2. Defendant's motion to dismiss (Doc. No. 46) Plaintiff's third amended complaint is  
10 denied;
- 11 3. Plaintiff's motion for summary judgment (Doc. No. 56) is denied, without prejudice;
- 12 4. Plaintiff's motion for injunctive relief (Doc. No. 55) is denied; and
- 13 5. Within thirty days from the date of service of this order, Defendant shall file a response  
14 to the third amended complaint.

15  
16 IT IS SO ORDERED.

17 Dated: January 6, 2017

  
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18 SENIOR DISTRICT JUDGE