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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEVONTE HARRIS,  
  
                                Plaintiff,  
  
                                v.  
  
HUMBERTO GERMAN, et al.,  
  
                                Defendants.

No. 1:15-cv-01462-DAD-GSA

ORDER ADOPTING FINDINGS AND  
RECOMMENDATION AND DENYING  
DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT WITHOUT PREJUDICE

(Doc. Nos. 44, 56)

Plaintiff Devonte Harris is a 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.

On January 22, 2019, the assigned magistrate judge issued findings and recommendations, recommending that defendants' motion for summary judgment (Doc. No. 44) be denied without prejudice. (Doc. No. 56.) The findings and recommendations were served on the parties and contained notice that any objections were to be filed within fourteen days after service. (*Id.* at 15.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

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1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this  
2 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the  
3 court finds the findings and recommendations to be supported by the record and proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on January 22, 2019 (Doc. No. 56) are  
6 adopted in full;
- 7 2. Defendants' motion for summary judgment, filed on October 15, 2018 (Doc. No.  
8 44) is denied without prejudice; and
- 9 3. This case is referred back to the magistrate judge for further proceedings,  
10 including issuance of a new scheduling order.

11 IT IS SO ORDERED.

12 Dated: April 23, 2019

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15 UNITED STATES DISTRICT JUDGE  
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