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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNNY C. THOMAS,
Plaintiff,
v.
MARK KUO,
Defendant.

No. 1:16-cv-00524-DAD-EPG
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT
(Doc. No. 97)

Plaintiff, Johnny C. Thomas, is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed 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 June 5, 2019, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's motion for summary judgment and supplemental motion for summary judgment (Doc. Nos. 68, 71) be denied, and that defendant's cross-motion for summary judgment (Doc. No. 70) also be denied. (Doc. No. 97.) The findings and recommendations were served on the parties and contained notice that any objections were due within twenty-one (21) days. (*Id.* at 22.) Neither party has filed any objections and the time to do so has now passed.

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1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) 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 entered on June 5, 2019 (Doc. No. 97) are
6 adopted in full;
- 7 2. Plaintiff's motion for summary judgment and supplemental motion for summary
8 judgment (Doc. Nos. 68, 71) are denied;
- 9 3. Defendant's cross-motion for summary judgment (Doc. No. 70) is denied; and
- 10 4. This matter is referred back to the assigned magistrate judge for further
11 proceedings consistent with this order.

12 IT IS SO ORDERED.

13 Dated: July 10, 2019

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16 UNITED STATES DISTRICT JUDGE