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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELMER DOSIO, JR.,
Plaintiff,
v.
N. ODELUGA, et al.,
Defendant.

No. 1:19-cv-00675-ADA-GSA (PC)
ORDER ADOPTING FINDINGS AND RECOMMENDATIONS IN FULL
(Doc. No. 46.)
ORDER DENYING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT BASED ON FAILURE TO EXHAUST
(Doc. No. 35.)

Plaintiff Elmer Dosio, Jr. is a state prisoner proceeding *in forma pauperis* with counsel in 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 June 17, 2022, the magistrate judge entered findings and recommendations proposing that this court deny defendant’s motion for summary judgment. (Doc. No. 46.) On July 11, 2022, defendant filed objections. (Doc. No. 47.) Plaintiff filed a response to defendant’s objections on July 20, 2022. (Doc. No. 48.)

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

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Accordingly,

1. The findings and recommendations issued the magistrate judge issued on June 27, 2022 are adopted in full;
2. The motion for summary judgment that Defendant Elma Fernandez filed on December 14, 2021 is denied; and
3. This case is referred back to the magistrate judge for further proceedings including reinstating deadlines for conducting discovery and filing dispositive motions.

IT IS SO ORDERED.

Dated: September 21, 2022



UNITED STATES DISTRICT JUDGE