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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELVIN MUNIR,

Plaintiff,

No. 2:05-cv-01996 MCE EFB P

v.

THOMAS, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 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 October 11, 2012, the Magistrate Judge filed findings and recommendations herein (ECF No. 73) which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings and recommendations.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the Magistrate Judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations (ECF No. 73) filed October 11, 2012, are ADOPTED IN FULL.

2. The March 28, 2008, order granting Defendants' motion for summary judgment (ECF No. 47) is VACATED.

3. Defendants' April 30, 2007, motion for summary judgment (ECF No. 35) is DENIED WITHOUT PREJUDICE.

4. Within thirty (30) days of this order, Defendants may file and serve a single motion for summary judgment that includes the notice to Plaintiff required by Woods v. Carey, 684 F.3d 934 (9th Cir. 2012). Thereafter, Plaintiff must file and serve an opposition within twenty-one (21) days, and Defendants may thereafter file a reply within fourteen (14) days.

Dated: November 6, 2012


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE