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

STEVEN FRYMAN,

Plaintiff,

No. CIV S-07-2636 JAM DAD P

vs.

A. TRAQUINA, 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 General Order No. 262.

On October 24, 2008, the magistrate judge filed findings and recommendations herein 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 twenty days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 24, 2008, are adopted in full;

2. Plaintiff's April 16, 2008 motion for summary judgment (Doc. No. 14) is denied without prejudice; and

3. Defendants' June 3, 2008 cross-motion for summary judgment (Doc. No. 18) is denied without prejudice.

DATED: January 14, 2009

/s/ John A. Mendez
UNITED STATES DISTRICT JUDGE

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