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

WILLIAM BARKER,

Plaintiff,

No. 2:08-cv-1160 WBS CKD P

vs.

SUSAN L. HUBBARD, et al.,

Defendants.

ORDER

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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 April 20, 2012, 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-one days. Defendants have filed objections to the findings and recommendations.

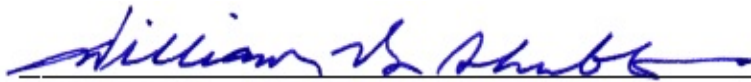
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Defendants argue that “aside from Barker’s self-serving testimony,” no genuine dispute of material fact exists concerning Barker’s claim that defendants had notice of Barker’s need for accommodation and deliberately

1 denied his request. As the magistrate judge observed, however, Barker's testimony, albeit self  
2 serving, is nevertheless testimony, which cannot be ignored. Having carefully reviewed the  
3 entire file, the court finds the findings and recommendations to be supported by the record and by  
4 proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed April 20, 2012, are adopted in full;  
7 and  
8 2. Defendants's motion for summary judgment (Docket No. 130) is denied.

9 DATED: May 30, 2012

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11 WILLIAM B. SHUBB  
12 UNITED STATES DISTRICT JUDGE  
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