

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

DON L. JEFFERSON,

Plaintiff,

No. 2:08-cv-1747 WBS EFB P

vs.

L. FLOHR, 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 September 10, 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 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:

////

1           1. The findings and recommendations filed September 10, 2012, are adopted in  
2 full;

3           2. The September 28, 2010 order granting defendant Flohr's motion for summary  
4 judgment (Dckt. No. 42) is vacated;

5           3. Defendant Flohr's motion for summary judgment (Dckt. No. 26) is denied  
6 without prejudice;

7           4. Within fourteen days of this order, defendants are allowed to file and serve a  
8 single motion for summary judgment that includes the notice to plaintiff required by Woods;

9           5. Plaintiff must file and serve his opposition within thirty days thereafter; and

10          6. Defendants may file a reply within fourteen days thereafter.

11 DATED: October 5, 2012

12  
13 

14 WILLIAM B. SHUBB  
15 UNITED STATES DISTRICT JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26