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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ESTER BURNETT,

12 Plaintiff,

13 v.

14 R. MIRANDA, et al.,

15 Defendants.
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No. 2:13-cv-1239 MCE CKD P

ORDER

17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief
18 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to
19 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On March 6, 2015, the magistrate judge filed findings and recommendations herein which
21 were served on all parties and which contained notice to all parties that any objections to the
22 findings and recommendations were to be filed within fourteen days. Defendant Miranda has
23 filed objections to the findings and recommendations.

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

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed March 6, 2015, are adopted in full;


3 2. Defendants' motion for summary judgment (ECF No. 48) is:

4 a. Denied with respect to plaintiff's claim that defendant Miranda violated
5 plaintiff's Eighth Amendment rights on July 16, 2010 when he denied plaintiff housing in a cell
6 without bunk beds.

7 b. Denied with respect to plaintiff's claim that defendant Simmerson violated
8 plaintiff's Eighth Amendment rights on June 9, 2010 when Simmerson failed to house plaintiff in
9 a cell without bunk beds.

10 c. Granted in all other respects.

11 Dated: April 15, 2015

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13 MORRISON C. ENGLAND, JR., CHIEF JUDGE
14 UNITED STATES DISTRICT COURT
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