1 2 3 4 5 6 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 MARCELINO CLEMENTE, No. 2:14-cv-0611 MCE KJN P 12 Plaintiff, 13 **ORDER** v. 14 T. PARCIASEPE, 15 Defendants. 16 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief 17 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. On July 19, 2016, the magistrate judge filed findings and recommendations herein which 20 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. Defendants have filed 23 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 24 25 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 26 27 analysis. 28 /// 1

Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations filed July 19, 2016, (ECF No. 83) are ADOPTED in full; 2. Defendant's motion for summary judgment (ECF No. 75) is DENIED; and 3. This matter is remanded to the assigned magistrate judge for further scheduling. IT IS SO ORDERED. Dated: September 20, 2016 MORRISON C. ENGLAND, JR UNITED STATES DISTRICT JUDGE