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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed August 20, 2018, are adopted in full;
2. Plaintiff's motion for summary judgment (Doc. 47) is denied; and
3. The matter is referred back to the assigned Magistrate Judge for further proceedings.

DATED: November 9, 2018

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE