

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

ARCHIE BEAR, WILLIAM STRINGER, and  
MICHAEL McBRIDE,

Plaintiffs,  
vs.

WILLIAM KAUTZKY and JOHN MATHES,  
Defendants.

**No. 4:01-cv-40456-JEG**

**ORDER ADOPTING REPORT  
AND RECOMMENDATION  
DENYING MOTION  
FOR PARTIAL  
SUMMARY JUDGMENT**

This is an action brought by inmates pro se under 42 U.S.C. § 1983. The case was referred to the Honorable Celeste F. Bremer, United States Magistrate Judge for the Southern District of Iowa, pursuant to 28 U.S.C. § 636(b)(1)(B), for further proceedings and submission of recommendations for disposition. On March 31, 2005, Judge Bremer filed a Report and Recommendation proposing that Defendants' motion for summary judgment be denied. The parties were given until April 29, 2004, to file written objections to the Report and Recommendation. Defendants filed objections.

When a magistrate judge submits a report and recommendation,

[a] judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.

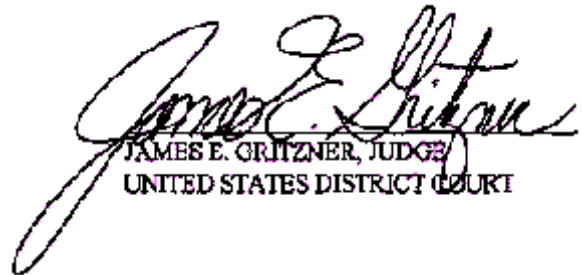
28 U.S.C. § 636(b)(1). After making the required review, the Court concludes Plaintiffs have created a genuine issue of material fact on the question whether they met

the prison requirements for filing and appealing a grievance; therefore, the Court adopts the Report and Recommendation in whole.

Defendants' motion for partial summary judgment is **denied** (Clerk's No. 42).

**IT IS SO ORDERED.**

Dated this 17th day of June, 2005.



JAMES E. GRITZNER, JUDGE  
UNITED STATES DISTRICT COURT