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

ROBERT MAESHACK,
Plaintiff,
vs.

1:06-cv-00011-AWI-GSA-PC
ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(Doc. 58.)

AVENAL STATE PRISON, et al.,
Defendants.

ORDER GRANTING DEFENDANT WEED'S
MOTION TO DISMISS FOR FAILURE TO
STATE A CLAIM, BASED ON RES JUDICATA
(Doc. 36.)
ORDER DISMISSING DEFENDANT WEED
FROM THIS ACTION

_____ /

Robert Maeshack (“plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 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 72-302.

On January 21, 2010, [findings and recommendations](#) were entered, recommending that Defendant Weed's motion to dismiss of April 28, 2009 be granted, and defendant Weed be dismissed from this action for plaintiff's failure to state a claim against him, based on the doctrine of res judicata. (Doc. 58.) On February 18, 2010, plaintiff filed [objections](#) to the findings and recommendations. (Doc. 61.)

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 73-305, this court has conducted a de novo review of this case. Having carefully reviewed the entire

1 file, the court finds the findings and recommendations to be supported by the record and proper
2 analysis. While the court is not without sympathy to Plaintiff's medical problems, the court cannot
3 revisit allegations that have already been fully adjudicated in another action.

4 Accordingly, THE COURT HEREBY ORDERS that:

- 5 1. The Findings and Recommendations issued by the Magistrate Judge on
6 January 21, 2010, are adopted in full;
- 7 2. Defendant Weed's motion to dismiss, filed April 28, 2009, is GRANTED;
- 8 3. Defendant Weed is dismissed from this action for plaintiff's failure to state
9 any claim against him, based on the doctrine of res judicata; and
- 10 4. The Clerk is directed to reflect the dismissal of defendant Weed from this
11 action on the court's docket.

12
13 IT IS SO ORDERED.

14 **Dated: March 9, 2010**

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE