

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MANUEL ARENAS,		CASE NO. 1:08-cv-01351-LJO-SMS PC
Plaintiff,		ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DENYING DEFENDANT’S MOTION FOR JUDGMENT ON THE PLEADINGS, DISMISSING COMPLAINT AND GRANTING LEAVE TO FILE AMENDED COMPLAINT
v.		
DR. ENANMOH,		(ECF No. 71)
Defendant.		
/		THIRTY-DAY DEADLINE

Plaintiff Manuel Arenas (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis 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 302.

On August 15, 2011, the Magistrate Judge filed a [Findings and Recommendations](#) herein which was served on the parties and which contained notice to the parties that any objections to the Findings and Recommendations were to be filed within thirty days. The parties have not filed timely objections to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this 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 analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed August 15, 2011, is adopted in full;
2. Defendant Enanmoh’s Motion for Judgment on the Pleadings, filed November 22,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

2010, is DENIED;

3. Plaintiff's Complaint, filed September 11, 2008, is dismissed, with leave to amend, for failure to state a claim;

4. Within thirty days from the date of service of this order Plaintiff shall file a First Amended Complaint; and

5. If Plaintiff fails to comply with this order, this action will be dismissed for failure to obey a court order.

IT IS SO ORDERED.

Dated: October 13, 2011

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE