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

JERALD TUCKER,)	NO. 1:12 cv 00578 LJO GSA PC
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS
v.)	(ECF No. 20)
)	
RALPH DIAZ, ET AL.,)	ORDER DISMISSING DEFENDANT
)	TARTER
Defendants.)	

Plaintiff is a state prisoner proceeding pro se in this civil rights action. 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 October 9, 2012, [findings and recommendations](#) were entered, recommending dismissal of this action for failure to state a claim upon which relief can be granted. Plaintiff was provided an opportunity to file objections within thirty days. On October 31, 2012, Plaintiff filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 305, 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 proper analysis.

Accordingly, THE COURT HEREBY ORDERS that:

1. The Findings and Recommendations issued by the Magistrate Judge on October 9,

1 2012, are adopted in full;

2 2. Defendant Tarter is dismissed from this action based on Plaintiff's failure to state a
3 claim for relief.

4

5 IT IS SO ORDERED.

6 **Dated:** November 13, 2012

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

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