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

MICHAEL LENOIR SMITH,

Plaintiff,

No. 2:05-cv-1257 GEB KJN (TEMP) P

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 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 February 16, 2011, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, 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.

1 Accordingly, IT IS HEREBY ORDERED that:

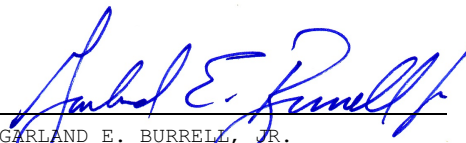
2 1. The findings and recommendations filed February 16, 2011, are adopted in
3 full;

4 2. Defendant's June 28, 2010 motion for summary judgment is granted;

5 3. Plaintiff's remaining Eighth Amendment claims against defendant Runnels are
6 dismissed; and

7 4. Plaintiff is ordered to file an amended pretrial statement concerning his
8 remaining equal protection claims within twenty-one days of this order, and defendant Runnels is
9 ordered to file an amended pretrial statement within twenty-one days of service of plaintiff's
10 pretrial statement.

11 Dated: June 7, 2011

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14 GARLAND E. BURRELL, JR.
United States District Judge