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

THOMAS KITCHEN, 2:06-cv-0649-GEB-CMK-P
Plaintiff,
vs. ORDER
JOANNE HENDRICKS, et al.,
Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On December 28, 2007, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within 20 days. No objections to the findings and recommendations have been filed.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed 12/28/2007, are adopted in full ; and
2. Defendant Hambly's motion to dismiss (Doc. 35) is denied.

Dated: February 5, 2008



GARLAND E. BURRELL, JR.
United States District Judge