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

RICHARD ERNEST ANAYA,

Plaintiff,

2:07-cv-0029-GEB-GGH-P

vs.

ROSEANNE CAMPBELL, 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 General Order No. 262.

On December 5, 2007, the magistrate judge filed an order and findings and recommendations herein, which granted defendants' motions to dismiss filed August 17, 2007, and August 9, 2007, with leave to amend, and recommended that defendants' August 9, 2007, motion to dismiss plaintiff's medical practice claim against defendant Smith be denied. The order and findings and recommendations were served on the parties and contained notice to the parties that any objections to the findings and recommendations were to be filed within twenty days. On December 26, 2007, Plaintiff filed objections to the findings and recommendations, and to the order granting defendants' motions to dismiss filed August 17, 2007, and August 9,

1 2007, with leave to amend. The court construes plaintiff's objections to the order as a request for
2 reconsideration.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-
4 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
5 file, the court finds the findings and recommendations to be supported by the record and by
6 proper analysis. The court further finds that it does not appear that the magistrate judge's order
7 was clearly erroneous or contrary to law. See E.D. Cal. L.R. 72-303(f) (stating that a magistrate
8 judge's orders shall be upheld unless "clearly erroneous or contrary to law.").

9 Therefore, IT IS HEREBY ORDERED that:

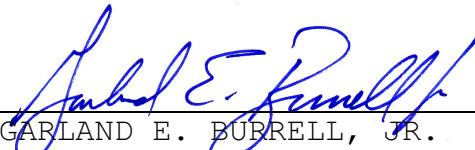
10 1. Upon reconsideration, the order of the magistrate judge filed December 5,
11 2007, is affirmed;

12 2. Plaintiff is granted thirty days from the date of this order to file an amended
13 complaint;

14 3. The findings and recommendations filed December 5, 2007, are adopted in
15 full; and

16 4. Defendants' August 23, 2007, motion to dismiss plaintiff's medical practice
17 claim against defendant Smith is denied.

18 Dated: February 5, 2008

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20 
21 GARLAND E. BURRELL, JR.
United States District Judge