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

BRIAN KEITH DENT,

Plaintiff,

No. 2:08-cv-0736-MCE-JFM (PC)

vs.

D. SILBAUGH, 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 2, 2009, 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 days. Neither party has filed objections to the findings and recommendations.

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. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed December 2, 2009, are adopted in full;

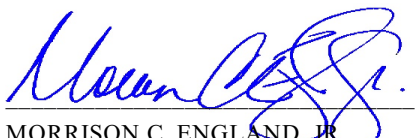
2. Defendants' May 11, 2009 motion to dismiss is granted;

3. Plaintiff's second, third, and fourth claims for relief are dismissed without prejudice;

4. This action shall proceed solely on the first claim for relief in plaintiff's May 1, 2009 third amended complaint; and

5. Defendant Murthy shall answer the first claim in plaintiff's May 1, 2009 third amended complaint within ten days from the date of this order.

Dated: January 5, 2010

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE