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

BRIAN JOSEPH STOLTIE,

Plaintiff,

No. CIV S-08-2584 KJM DAD P

vs.

JANETTA GERINGSON, et al.,

Defendants.

ORDER

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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 as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 2, 2011, the magistrate judge filed findings and recommendations, which were served on the parties and which contained notice to the parties that any objections to the findings and recommendations were to be filed within fourteen days. No objections to the findings and recommendations have been filed.

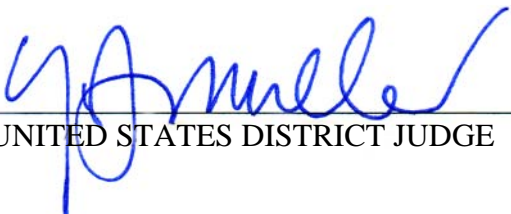
The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having carefully reviewed the file, the court finds the findings and recommendations to

1 be supported by the record and by the proper analysis. Even considering the allegations in  
2 plaintiff's verified complaint as an affidavit for the purposes of summary judgment, the  
3 conclusion reached by the findings and recommendations is legally and factually correct.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations filed May 2, 2011, are adopted in full;
- 6 2. Defendant Ziga's November 18, 2010 motion for summary judgment (Doc.  
7 No. 66) is granted; and
- 8 3. This action is closed.

9 DATED: July 11, 2011.

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13 UNITED STATES DISTRICT JUDGE  
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