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

AMILCAR GUEVARA,

Plaintiff,

No. 2:09-cv-1132-FCD-KJN-P

vs.

A. RALLS, 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 April 29, 2010, 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. 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:

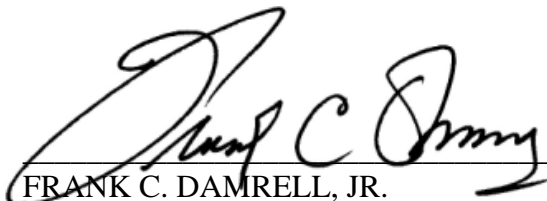
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1. The findings and recommendations filed April 29, 2010, are adopted in full;
2. The motion to dismiss (Dkt. No. 35) filed February 17, 2010, is denied; and
3. Defendant McCarvel shall answer the complaint within 60 days of the date of

this order.

DATED: May 27, 2010.


FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE