

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

BART A. GARBER,

No. CIV S-09-3168-MCE-CMK

Plaintiff,

vs.

ORDER

DALE T MERICLE, et al.,

Defendants.

_____ /

Plaintiff, a former 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 June 23, 2010, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. 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.


///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed June 23, 2010, are adopted in full;
2. This case will proceed against defendant Dickinson only on Plaintiff's claim of deliberate indifference to his medical condition; and
3. All other defendants and claims are dismissed for failure to state a claim.

Dated: July 27, 2010



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE