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

DEWEY TERRY,

Plaintiff,

No. CIV S-10-0068 MCE GGH P

vs.

JOHN HIVILAND, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. The undersigned has separately issued an order addressing the amended complaint filed March 31, 2010. The undersigned found that the amended complaint stated a colorable claim for relief against defendant Chavez, but found that it failed to state colorable claims for relief against defendants Hiviland and Clay. For the reasons stated in that order, the claims against defendants Hiviland and Clay should be dismissed.

IT IS HEREBY RECOMMENDED that the claims against defendants Hiviland and Clay in the amended complaint filed March 31, 2010, be dismissed.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, plaintiff may file written

1 objections with the court. The document should be captioned “Objections to Magistrate Judge’s
2 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the
3 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951
4 F.2d 1153 (9th Cir. 1991).

5 DATED: May 21, 2010

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7 /s/ Gregory G. Hollows
8 UNITED STATES MAGISTRATE JUDGE

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