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

RODNEY JEROME WOMACK,

Plaintiff,

No. CIV S-10-2778 GEB DAD P

vs.

C. BAKEWELL 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 December 15, 2011, 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 1. The findings and recommendations filed December 15, 2011, are adopted in
2 full;

3 2. Defendants' motion to dismiss for failure to exhaust administrative remedies
4 (Doc. No. 19) is denied;

5 3. Defendants' motion to dismiss for failure to state a claim (Doc. No. 19) is
6 granted in part and denied in part as follows:

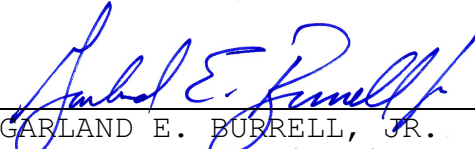
7 a. Defendants' motion to dismiss plaintiff's Eighth Amendment claim
8 against defendants Dr. Duc and Nurse Bakewell is denied;

9 b. Defendants' motion to dismiss plaintiff's conspiracy claim against
10 defendants Dr. Duc, Nurse Bakewell, and Dr. Nangalama is granted;

11 c. Defendants' motion to dismiss plaintiff's claims in connection with his
12 administrative appeals is granted insofar as his claims are solely based on
13 defendants' review and denial of his administrative appeals; and

14 4. Defendants Nurse Bakewell, Dr. Bal, CEO Deems, Dr. Duc, Dr. Nangalama,
15 and Warden Walker are directed to file an answer in response to plaintiff's Eighth Amendment
16 claims within thirty days.

17 Dated: January 25, 2012

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GARLAND E. BURRELL, JR.
United States District Judge