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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERALD SPENCE,  
Plaintiff,  
v.  
STAMBAUGH, et al.,  
Defendants.

No. 2:14-cv-1170 WBS AC P

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 May 18, 2016, 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 fourteen days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed May 18, 2016, are adopted in full; and

2. Defendant Voss' motion to dismiss filed January 21, 2016, ECF No. 21, is denied without prejudice.


3. It is further ordered that:

a. The Clerk of Court is directed to send plaintiff, together with a copy of this order, three (3) USM-285 forms; and

b. Plaintiff is directed to submit to the court, within sixty days after the filing date of this order, a newly-completed USM-285 form for each defendant, or show good cause why he cannot provide such information.

4. This case is referred back to the magistrate judge for further proceedings.

Dated: June 9, 2016

  
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WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

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