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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CHRISTOPHER DUPREE,	)	CASE NO. CV 04-03484 ABC (RZ)
	)	
Plaintiff,	)	
	)	ORDER ACCEPTING AND
vs.	)	ADOPTING (1) THIRD REPORT
	)	AND RECOMMENDATION AND
DEPARTMENT OF CORRECTIONS,	)	(2) SUPPLEMENTAL REPORT AND
ET AL.,	)	RECOMMENDATION OF UNITED
	)	STATES MAGISTRATE JUDGE
Defendants.	)	
_____	)	

The Court has reviewed the file in this matter, and has read and reviewed the Third Report and Recommendation and Supplemental Report and Recommendation of United States Magistrate Judge. Further, the Court has engaged in a de novo review of those portions of the Report to which Plaintiff has objected.

Therefore, the Court:

1. accepts the findings and recommendations in the Third Report And Recommendation and the Supplemental Report And Recommendation;
2. grants in part and denies in part Defendants' Motion for Summary Judgment, as discussed in the Third Report;
3. dismisses with prejudice all Defendants *except* Fortaleza, Trinidad and Brisner;

- 1 4. dismisses all portions of the action with prejudice *except* the claims of  
2 deliberate medical indifference against Fortaleza, Trinidad and Brisner;  
3 and  
4 5. withdraws the reference of this action to the Magistrate Judge.  
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6 DATED: October 31, 2008

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10 AUDREY B. COLLINS  
11 UNITED STATES DISTRICT JUDGE  
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