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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION

<p>TOMMY PHILLIPS,</p> <p style="padding-left: 100px;">Plaintiff,</p> <p style="padding-left: 100px;">v.</p> <p>ROBERT L. AYERS, JR. et al.,</p> <p style="padding-left: 100px;">Defendants.</p>	<p>) CV 07-2897-DDP (SH)</p> <p>) ORDER ADOPTING REPORT AND</p> <p>) RECOMMENDATION OF UNITED</p> <p>) STATES MAGISTRATE JUDGE</p>
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Pursuant to 28 U.S.C. Section 636(b)(1)(C), the Court has reviewed the Complaint and other papers along with the attached Report and Recommendation of the United States Magistrate Judge, and has made a de novo determination of the Report and Recommendation.

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1 IT IS THEREFORE ORDERED that an Order entered (1) approving and
2 adopting the Report and Recommendation, (2) partially granting Defendants'
3 Motion to Dismiss, namely dismissing Plaintiff's due process and excessive force
4 claims against Defendants Ayers and Campbell, and plaintiff's due process claim
5 in its entirety, all without leave to amend. The Motion is denied as to the free
6 exercise of religion claim.

7 IT IS FURTHER ORDERED that the Clerk shall serve forthwith a copy of
8 this Order Adopting and the Order of this date on the Plaintiff and counsel for
9 Defendants.

10 DATED: May 12, 2010

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13 DEAN D. PREGERSON
14 UNITED STATES DISTRICT JUDGE
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