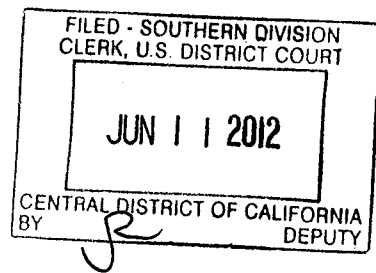


I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY FIRST CLASS MAIL POSTAGE PREPAID, TO ALL COUNSEL *Plaintiff* (OR PARTIES) AT THEIR RESPECTIVE MOST RECENT ADDRESS OF RECORD IN THIS ACTION ON THIS DATE.

DATED: 6.11.12

~~DEPUTY CLERK~~



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

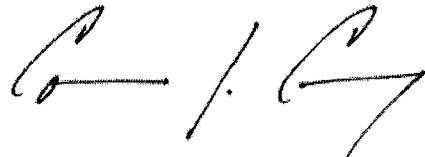
IGNACIO DEL RIO,)	Case No. CV 10-8955-CJC (JPR)
)	
Plaintiff,)	
)	ORDER ACCEPTING FINDINGS AND
vs.)	RECOMMENDATIONS OF U.S.
)	MAGISTRATE JUDGE
MS. MORGADO et al.,)	
)	
Defendants.)	
)	

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Complaint, all the records and files of this case, and the Report and Recommendation of the U.S. Magistrate Judge with respect to a Motion to Dismiss filed by Defendants Morgado and Enriquez. No objections to the Report and Recommendation have been filed. The Court accepts the findings and recommendations of the Magistrate Judge.

IT THEREFORE IS ORDERED that, pursuant to the Report and Recommendation, Defendants' Motion to Dismiss is DENIED as to Defendants Morgado, Haggi, Enriquez, and Ortega and GRANTED as to Defendants Foxter, Hill, Krassner, and Curry. Claim two of the FAC, regarding the use of loud fans to punish inmates, as well as Defendants Foxter and Hill are DISMISSED from this lawsuit

1 without prejudice because, as stated in the Magistrate Judge's
2 Report and Recommendation, Plaintiff failed to exhaust his
3 administrative remedies. Defendants Krassner and Curry are
4 dismissed because, as stated in the previously assigned
5 Magistrate Judge's July 28, 2011 Order, Plaintiff failed to
6 allege sufficient facts in the FAC demonstrating their liability
7 as either direct participants or supervisors. Defendants Morgado
8 and Enriquez are ORDERED to file an Answer to the FAC within 20
9 days of the issuance of this Order. Pursuant to the Magistrate
10 Judge's June 1, 2012 Minute Order, if Plaintiff still wants the
11 U.S. Marshal to serve the FAC on Defendants Haggi and Ortega,
12 within 30 days of the issuance of this Order he is ORDERED to
13 provide the U.S. Marshal with more information regarding their
14 identity.

15
16 DATED: June 11, 2012



CORMAC J. CARNEY
UNITED STATES DISTRICT JUDGE