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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LINUS EKENE,

Plaintiff,

vs.

B. M. CASH, Warden, et al.,

Defendants.

) Case No. CV11-9318-DDP (DTB)

) ORDER ACCEPTING FINDINGS,
) CONCLUSIONS AND
) RECOMMENDATIONS OF UNITED
) STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Complaint, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. No objections to the Report and Recommendation have been filed herein. The Court concurs with and accepts the findings, conclusions and recommendations of the Magistrate Judge.

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1 IT THEREFORE IS ORDERED that defendant's Motion to Dismiss plaintiff's
2 Eighth Amendment claim relating the deprivation of a shower and yard access for
3 three months is denied; that defendant's Motion to Dismiss plaintiff's Eighth
4 Amendment claim relating to the denial of medical care for failure to exhaust
5 administrative remedies is granted without leave to amend; and that defendant is
6 ordered to serve and file an Answer addressing the merits of the Complaint within 30
7 days of the date of this Order.

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9 Dated: 6/7/2013



10 DEAN D. PREGERSON
11 UNITED STATES DISTRICT JUDGE
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