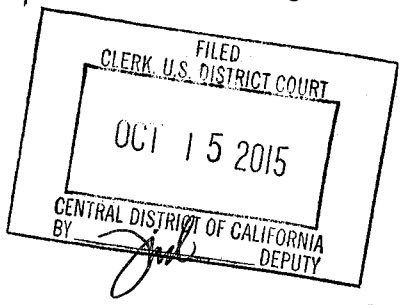


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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 ANTHONY KONTOS,
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13 Plaintiff,
14 vs.
15 UNITED STATES OF AMERICA,
16 et al.,
17 Defendants.

Case No. EDCV 13-1398-DDP (RNB)


ORDER ACCEPTING FINDINGS
AND RECOMMENDATIONS
OF UNITED STATES
MAGISTRATE JUDGE

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19 Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings, the
20 records on file herein, and the Report and Recommendation of the United States
21 Magistrate Judge. Further, the Court has engaged in a de novo review of those
22 portions of the Report and Recommendation to which objections have been made.
23 The Court accepts the findings and recommendations of the Magistrate Judge.

24 IT THEREFORE IS ORDERED that (1) defendants' Motion to Dismiss
25 with respect to plaintiff's Eighth Amendment claim against defendant Sterling is
26 granted with leave to amend; (2) defendants' Motion to Dismiss with respect to
27 plaintiff's Eighth Amendment claim against defendants Quinn and Ortiz is denied;
28 (3) defendants Quinn and Ortiz shall file an Answer to the Second Amended

1 Complaint within thirty (30) days of the service date of this Order; and (4) if plaintiff
2 still desires to pursue his Eighth Amendment claim against Mr. Sterling, he shall file
3 a Third Amended Complaint remedying the deficiencies of that claim as discussed in
4 the Report and Recommendation within thirty (30) days of the service date of this
5 Order.

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7 DATED: 10/03/15

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10 DEAN D. PREGERSON
11 UNITED STATES DISTRICT JUDGE
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