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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN WESLEY RICHARDSON,
Plaintiff,
vs.
R.L. CANDELARIA, et al.,
Defendants.

1:04-cv-05009-OWW-DLB-P
**ORDER ADOPTING FINDINGS AND
RECOMMENDATION** (Doc. 16)
**ORDER GRANTING IN PART MOTION
TO DISMISS** (Doc. 14)

Plaintiff, John Wesley Richardson ("plaintiff"), a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On June 2, 2005, the Magistrate Judge filed Findings and Recommendation herein which were served on the parties and which contained notice to the parties that any objections to the Findings and Recommendation were to be filed within thirty (30) days. To date, the parties have not filed objections to the Magistrate Judge's Findings and Recommendation.

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1 In accordance with the provisions of 28 U.S.C.
2 § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a
3 de novo review of this case. Having carefully reviewed the
4 entire file, the Court finds the Findings and Recommendation to
5 be supported by the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The Findings and Recommendation, filed June 2, 2005,
8 are ADOPTED IN FULL;

9 2. Defendants' motion to dismiss, filed October 22, 2004,
10 is GRANTED IN PART; and,

11 3. Plaintiff is granted **thirty (30) days** from the date of
12 service of this order within which to file an amended complaint.

13 IT IS SO ORDERED.

14 **Dated: September 1, 2005**
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/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE