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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN WESLEY RICHARDSON,)	1:04-cv-5009 OWW DLB P
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS RE:
v.)	DEFENDANTS' MOTION TO
)	DISMISS
R.L. CANDELARIA, et al.,)	
)	
Defendants.)	
)	
_____)	

This matter is before the Court on the Findings and Recommendations of the Magistrate Judge recommending that the motion to dismiss of Defendants Candelaria, Guzzerd and Shannon be granted. The Court has conducted an independent analysis of the motion pursuant to 28 U.S.C. § 636(b). The Magistrate Judge has properly analyzed applicable law and fully advised the Plaintiff as to what is required to allege supervisor liability.

The Findings and Recommendations of the Magistrate Judge are ADOPTED.

The Complaint shall be dismissed as to Defendants Candelaria and Guzzerd for failure to state, with leave to amend.

Any amended complaint shall be filed within twenty-six (26)

///

1 days following the date of service by the Clerk of this Order.

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3 SO ORDERED.

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5 DATED: September __28__, 2005.

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/s/ OLIVER W. WANGER

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Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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9 richardson v. candelaria order

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