

1 166.) Neither side filed objection(s).

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

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. the Findings and Recommendations, filed June 30, 2011
9 (Doc. 166), is adopted in full;
- 10 2. the motion to dismiss filed by Defendants Dr. Nyguen and
11 Dr. Wu for Plaintiff's failure to exhaust available
12 administrative remedies under Federal Rule of Civil
13 Procedure 12(b), filed December 3, 2010 (Doc. 151) is
14 DENIED WITH PREJUDICE; and
- 15 3. Defendants Dr. K. Nyguen and Dr. S. Wu are ordered to
16 file a response to the Third Amended Complaint (Doc.
17 141) within thirty (30) days of the date of service of
18 this order.

19 IT IS SO ORDERED.

20 Dated: August 18, 2011

21 /s/ Oliver W. Wanger
22 UNITED STATES DISTRICT JUDGE
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