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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHARLES ROBERT GORTON,

CASE NO. 1:05-CV-00354-LJO-DLB PC

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

v.

(Doc. 70)

BICK, et al.,

Defendants.

_____ /

Plaintiff Charles Robert Gorton, 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 February 25, 2009, the Magistrate Judge filed a [Findings and Recommendations](#) herein which was served on the parties and which contained notice to the parties that any objections to the Findings and Recommendations were to be filed within thirty days. The parties have not filed timely objections to the Findings and Recommendations.

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

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The [Findings and Recommendations](#), filed February 25, 2009, is adopted in full;
- 3 2. Defendant Bick is dismissed from this action, with prejudice, pursuant to Fed. R.
- 4 Civ. Pro. 41(a)(2); and
- 5 3. Defendant Bick's motion for summary judgment, filed October 27, 2008, is
- 6 disregarded as moot.

7 IT IS SO ORDERED.

8 **Dated:** April 29, 2009

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE