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6 **UNITED STATES DISTRICT COURT**
78 EASTERN DISTRICT OF CALIFORNIA
910 CARLOS HENDON, CASE NO. 1:05-CV-0839-AWI DLB-PC
11 v. Plaintiff, ORDER ADOPTING FINDINGS AND
12 PETERSON, et al., RECOMMENDATIONS RE DISMISSAL OF
13 Defendants. CERTAIN DEFENDANTS FROM ACTION
14 /
1516 Plaintiff Carlos Hendon (“plaintiff”) is a state prisoner proceeding pro se in this civil rights
17 action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge
18 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.19 On November 17, 2008, the Magistrate Judge filed a [Findings and Recommendations](#) herein
20 which was served on plaintiff and which contained notice to plaintiff that any objection to the
21 Findings and Recommendations was to be filed within twenty days. Plaintiff filed an [Objection](#) to
22 the Findings and Recommendations on December 9, 2008.23 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
24 de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings
25 and Recommendations to be supported by the record and by proper analysis.

26 Accordingly, IT IS HEREBY ORDERED that:

27 1. The Findings and Recommendations, filed November 17, 2008, is adopted in full;
28 and

2. This action shall proceed on Plaintiff's third amended complaint, filed March 17, 2008, against Defendant Peterson for violation of the Fourteenth Amendment; and
3. Defendants Bounville, Witcher and Winett are dismissed from this action based on Plaintiff's failure to state any claims against them.

IT IS SO ORDERED.

Dated: January 11, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE