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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 CARLOS HENDON,
12 Plaintiff,

13 vs.

14 BAROYA, et al.,
15 Defendants.
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1:05-cv-01247-AWI-GSA-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. 142.)

ORDER DISMISSING DEFENDANT
GRIFFIN FROM THIS ACTION UNDER
RULE 25

18 **I. BACKGROUND**

19 Carlos Hendon ("Plaintiff") is a state prisoner proceeding pro se with this civil rights
20 action under 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on
21 September 30, 2005. (Doc. 1.) This action now proceeds on Plaintiff's Second Amended
22 Complaint filed on June 26, 2008, against defendants Baroya, Pham, Nguyet, Hoppe, Griffin
23 and Reidman ("Defendants") for subjecting him to cruel and unusual punishment in violation
24 of the Eighth Amendment. (Doc. 18.)

25 The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. §
26 636(b)(1)(B) and Local Rule 302. On November 24, 2014, the Court entered [Findings and](#)
27 [Recommendations](#), recommending that defendant Griffin be dismissed from this action under
28 Rule 25 of the Federal Rules of Civil Procedure. (Doc. 142.) The parties were provided an

1 opportunity to file objections to the Findings and Recommendations within thirty days. To
2 date, no objections have been filed.

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
4 Court has conducted a de novo review of this case. Having carefully reviewed the entire file,
5 the Court finds the Findings and Recommendations to be supported by the record and proper
6 analysis.

7 Accordingly, THE COURT HEREBY ORDERS that:

- 8 1. The Findings and Recommendations issued by the Magistrate Judge on
9 November 24, 2014, are ADOPTED in full;
- 10 2. Defendant Griffin is DISMISSED from this action under Rule 25 of the Federal
11 Rules of Civil Procedure; and
- 12 3. The Clerk is DIRECTED to reflect the dismissal of defendant Griffin from this
13 action on the Court's docket.

14 IT IS SO ORDERED.

15 Dated: January 8, 2015

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18 SENIOR DISTRICT JUDGE