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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JAMES H. SIMS,  
  
Plaintiff,  
  
vs.  
  
JEANNE WOODFORD, et al.,  
  
Defendants.

CASE NO. 1:05-cv-01523 LJO DLB (PC)  
  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, AND DISMISSING  
DEFENDANT GRIFFITH FROM ACTION  
WITHOUT PREJUDICE  
  
(Doc. 54)

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Plaintiff James H. Sims, 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 November 10, 2008, 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 twenty 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.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The Findings and Recommendations, filed November 10, 2008, is adopted in full; and
- 2. Defendant Griffith is dismissed from this action, without prejudice. IT IS SO ORDERED.

**Dated:** January 7, 2009

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