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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

CECILIA FRAHER,	CASE NO. 1:06-CV-1120 AWI GSA (PC)
Plaintiff,	ORDER ADOPTING FINDINGS AND
v.	RECOMMENDATIONS, AND DENYING
SURYDEVARA, et al.,	MOTION TO SUBSTITUTE WITHOUT
Defendants.	PREJUDICE AS MOOT
	(Docs. 107 and 128)

This is a civil action filed pursuant to 42 U.S.C. § 1983 and California tort law by Plaintiff Cecilia Fraher, a state prisoner. The action is proceeding on Plaintiff’s second amended complaint, filed March 7, 2008, against Defendant Suryadevara for violation of the Eighth Amendment of the United States Constitution, and against Defendants Suryadevara, Ashraf, and Spaeder on Plaintiff’s state law negligence claims. This 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 January 12, 2010, the Magistrate Judge issued a [Findings and Recommendations](#) recommending that Plaintiff’s [motion to substitute](#) Mary Lee Gill for Nancy Spaeder be denied as moot. The parties were given fifteen days within which to file objections and none were filed.

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.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendations, filed January 12, 2010, is adopted in full; and  
3 2. Plaintiff's motion to substitute Mary Lee Gill for Nancy Spaeder, filed July 17, 2009,  
4 is DENIED without prejudice as MOOT.

5  
6 IT IS SO ORDERED.

7 **Dated: February 4, 2010**

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