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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

THON NGOT SANG,

Plaintiff,

v.

R. BAKER, et al.,

Defendants.

CASE NO. 1:06-cv-01496-AWI-SMS PC

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING CERTAIN CLAIMS AND DEFENDANTS, REQUIRING DEFENDANT BAKER TO FILE A RESPONSE TO THIRD AMENDED COMPLAINT WITHIN THIRTY DAYS, AND REFERRING MATTER BACK TO MAGISTRATE JUDGE TO INITIATE SERVICE OF PROCESS PROCEEDINGS ON DEFENDANT NGUYEN

(Docs. 58 and 59)

THIRTY-DAY DEADLINE

Plaintiff Thon Ngot Sang, a former state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on October 5, 2006. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 12, 2010, the Magistrate Judge screened Plaintiff's [Third Amended Complaint](#) and issued a [Findings and Recommendations](#) recommending dismissal of certain claims and defendants. The parties were given thirty days within which to file objections, and on September 21, 2010, Plaintiff was granted a fifteen-day extension of time. Neither Plaintiff nor Defendant Baker filed any objections.<sup>1</sup>

<sup>1</sup> Defendant Baker made an appearance in this action on July 28, 2008. (Doc. 32.)

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

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Findings and Recommendations, filed August 12, 2010, is adopted in full;
- 6 2. This action shall proceed on Plaintiff's Third Amended Complaint, filed June 24,  
7 2010, on Plaintiff's Eighth Amendment medical care claims against Defendant Baker  
8 and against Defendant Nguyen arising out of the incident on January 7, 2006;
- 9 3. Plaintiff's other Eighth Amendment claims are dismissed for failure to state a claim;
- 10 4. Defendants Scribner, Wan, Fulks, McGuinness, Martinez, Dela Rose, James, and Does  
11 are dismissed based on Plaintiff's failure to state any claims against them;
- 12 5. Defendant Baker shall file a response to the Third Amended Complaint within thirty  
13 days from the date of service of this order; and
- 14 6. This matter is referred back to the Magistrate Judge to initiate service of process  
15 proceedings for Defendant Nguyen.

16  
17 IT IS SO ORDERED.

18 Dated: October 15, 2010

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20 CHIEF UNITED STATES DISTRICT JUDGE