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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LAWRENCE SIMMONS,

Plaintiff,

v.

M. KNOWLES, et al.,

Defendants.

CASE NO. 1:06-cv-1867-OWW-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND DISMISSING
ACTION FOR FAILURE TO STATE A CLAIM
UPON WHICH RELIEF MAY BE GRANTED

(Doc. 12)

_____ /

Plaintiff Lawrence Simmons (“plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 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 October 7, 2008, the Magistrate Judge filed a [Findings and Recommendations](#) herein which was served on plaintiff and which contained notice to plaintiff that any objection to the Findings and Recommendations was to be filed within thirty days. After obtaining an extension of time, Plaintiff filed an [Objection to the Findings and Recommendations](#) on November 21, 2008.

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 October 7, 2008, is adopted in full; and

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1 2. This action is dismissed in its entirety for Plaintiff's failure to state a claim upon
2 which relief may be granted.

3 IT IS SO ORDERED.

4 **Dated:** January 9, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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