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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DORIAN DAVIS aka
WALI AT-TAQI DAVIS,

Plaintiff,

v.

A. HEDGPETH,

Defendant.

CASE NO. 1:07-cv-00696-OWW-SMS PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL, AND
REFERRING MATTER TO MAGISTRATE
JUDGE FOR INITIATION OF SERVICE OF
PROCESS

(Docs. 22 and 25)

_____ /

Plaintiff Dorian Davis ask Wali At-Taqi Davis (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis 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 November 24, 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 January 15, 2009.

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.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed November 24, 2008, is adopted in full;
2. This action shall proceed as one for money damages on Plaintiff's first amended complaint, filed May 8, 2008, against Defendant Hedgpeth for violations of the Eighth and Fourteenth Amendments of the United States Constitution;
3. Plaintiff's additional claims, to the extent any are pled, are dismissed, with prejudice, for failure to state a claim upon which relief may be granted under section 1983;
4. Plaintiff's claims for declaratory and injunctive relief are dismissed; and
5. This matter is referred back to the Magistrate Judge for initiation of service of process.

IT IS SO ORDERED.

Dated: January 21, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE