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

GARY H. BRUSH,

Plaintiff,

vs.

J. WOODFORD, et al.,

Defendants.

CASE NO. 1:07-cv-01009 LJO DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND
DISMISSING DEFENDANT BRUMMEL
FROM ACTION WITHOUT PREJUDICE

(Doc. 66)

_____ /

Plaintiff Gary Brush (“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 February 3, 2009, the Magistrate Judge filed a [Findings and Recommendations](#) herein which was served on the parties and which contained notice to the parties that any objection to the Findings and Recommendations was to be filed within thirty days. The parties have not filed timely objections to the Findings and Recommendations.

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

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Findings and Recommendations, filed February 3, 2009, is adopted in full; and
- 6 2. Defendant Brummel is dismissed from this action without prejudice.

7 IT IS SO ORDERED.

8 **Dated:** March 31, 2009

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

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28 ¹ The Findings and Recommendations incorrectly names a defendant Keller and not defendant Brummel on page 2, line 14. (Doc. 66). However, the rest of the Findings and Recommendations properly identifies defendant Brummel.