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

ALFREDO E. ZEPEDA,

1:07-cv-01483-LJO-GSA-PC

Plaintiff,

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(Doc. 33.)

vs.

JAMES A. YATES, et al.,

ORDER GRANTING MOTION TO
DISMISS FILED BY DEFENDANTS
R. J. REYNOLDS AND BROWN &
WILLIAMSON, SUBJECT TO FURTHER
SERVICE OF PROCESS
(Doc. 23.)

Defendants.

_____ /

Alfredo E. Zepeda (“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 302.

On July 27, 2010, findings and recommendations were entered, recommending that the motion to dismiss filed by defendants R. J. Reynolds and Brown & Williamson be granted, subject to further service of process. (Doc. 33.) On October 14, 2010, Plaintiff filed objections to the findings and recommendations. (Docs. 38, 39.)

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, including Plaintiff’s objections, the Court finds the findings and recommendations to be supported by the record and proper analysis.

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Accordingly, THE COURT HEREBY ORDERS that:

1. The Findings and Recommendations issued by the Magistrate Judge on July 27, 2010, are adopted in full; and
2. The motion to dismiss, filed on December 12, 2009 by defendants R. J. Reynolds and Brown & Williamson is granted, subject to further service of process.

IT IS SO ORDERED.

Dated: October 19, 2010

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