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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT GARCIA,

Plaintiff,

v.

A. MASIEL, et al.,

Defendants.

CASE NO. 1:07-cv-01750-AWI DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND DISMISSING
CERTAIN DEFENDANTS

(Doc. 10)

Plaintiff Robert Garcia (“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 January 12, 2009, 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. Plaintiff did not file a timely Objection to the Findings and Recommendations.

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 January 12, 2009, is adopted in full;

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- 2. This action shall proceed only against Defendant Ojeda on Plaintiff's Eighth Amendment claim, and against defendant Silva on his First and Eighth Amendment claims; and
- 3. Defendants Masiel, Davis, Akin, Hall, and Baiderama are dismissed from this action.

IT IS SO ORDERED.

Dated: April 16, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE