

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JUSTIN LOMAKO,

Plaintiff,

v.

CSP CORCORAN, et al.,

Defendants.

CASE NO. 1:07-cv-01877-OWW-SKO PC

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS

(Doc. 39)

Plaintiff Justin Lomako (“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 302.

On July 7, 2010, the Magistrate Judge issued a Findings and Recommendations which recommended that Defendants’ motion to dismiss be denied. (Doc. #39.) The Findings and Recommendations were served on all parties and contained notice that any objections to the Findings and Recommendations were to be filed within thirty (30) days of the date on which the Findings and Recommendations were served. No objections to the Findings and Recommendations have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 305, 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.

///

///

1 Accordingly, the Court HEREBY ORDERS that:

- 2 1. The July 7, 2010 Findings and Recommendations are ADOPTED in full;
- 3 2. Plaintiff's November 30, 2009 motion requesting the Court to treat his opposition as
- 4 timely filed is GRANTED; and
- 5 3. Defendants' October 6, 2009 motion to dismiss is DENIED.

6 IT IS SO ORDERED.

7 **Dated: September 2, 2010**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28