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

MICHAEL HUDSON,
Plaintiff,

vs.

TERRY BRIAN, et al.,
Defendants.

Case No. 1:08-cv-00249 AWI JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

ORDER DENYING MOTION TO DISMISS

(Documents #23 & #32)

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Plaintiff is a state prisoner proceeding pro se and *in forma pauperis* with a 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 September 27, 2010, the Magistrate Judge filed findings and recommendations which were served on all parties and contained noticed that any objections to the findings and recommendations were to be filed within fourteen days. Neither party filed objections to the findings and recommendations.

In accordance with 28 U.S.C. 636(b)(1)(B) and Local Rule 302, the 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 proper analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations of the Magistrate Judge filed September 27,
3 2010, are adopted in full;
- 4 2. Defendant Volker's motion to dismiss, filed March 22, 2010, is denied; and
- 5 3. Within thirty (30) days of the date of service of this order, Defendant Volker shall file
6 an answer to Plaintiff's complaint.

7 IT IS SO ORDERED.

8 Dated: December 2, 2010

9 
10 CHIEF UNITED STATES DISTRICT JUDGE