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

TRACY ROMERO FOLEY,

Plaintiff,

1: 08 CV 0339 LJO WMW PC

vs.

ORDER RE: FINDINGS &
RECOMMENDATIONS (#28)

B. JOLLY, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se in this civil rights action. 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 March 24, 2009, [findings and recommendations](#) were entered, recommending dismissal of this action for failure to state a claim upon which relief can be granted. On April 6, 2009, plaintiff filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 73-305, 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 proper analysis.

Accordingly, THE COURT HEREBY ORDERS that:

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1. The Findings and Recommendations issued by the Magistrate Judge on March 24, 2009, are adopted in full; and

2. This action is dismissed for failure to state a claim upon which relief can be granted. The Clerk is directed to close this case.

IT IS SO ORDERED.

Dated: April 27, 2009

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