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

FRED PRICE,	)	1:08 cv 00425 AWI YNP GSA (PC)
	)	
Plaintiff,	)	ORDER RE: FINDINGS & RECOMMENDATIONS
	)	
v.	)	Document # 13
	)	
S. CUNNINGHAM, et al.,	)	
	)	
Defendants.	)	
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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 3, 2010, [findings and recommendations](#) were entered, recommending dismissal of certain claims and defendants for failure to state a claim upon which relief can be granted. Plaintiff was provided an opportunity to file objections within thirty days. Plaintiff has not 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.

1 Accordingly, THE COURT HEREBY ORDERS that:

2 1. The Findings and Recommendations issued by the Magistrate Judge on March 3,  
3 2010, are adopted in full; and

4 2. This action proceeds on Plaintiff's complaint against Defendants Cunningham and  
5 Mullins for violations of the First and Eighth Amendments.

6 3. Plaintiff's Fourteenth Amendment claim is dismissed for failure to state a claim.

7 4. Defendants Gamblin, Hartman, Mack, Large, Sailor, Lynker and Hopkins are  
8 dismissed based on Plaintiff's failure to state any claims against them.

9  
10 IT IS SO ORDERED.

11 **Dated:** April 5, 2010

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