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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 MICHAEL D. HARRISON,
11 Plaintiff,
12 v.
13 D. ADAMS, et al.,
14 Defendants.
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Case No. 1:08-cv-01065-AWI-MJS (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO GRANT IN
PART AND DENY IN PART PLAINTIFF'S
MOTION TO DISMISS**

(ECF No. 289)

CASE TO REMAIN OPEN

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17 Plaintiff is a state prisoner proceeding pro se in this civil rights action brought
18 pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate
19 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the United States
20 District Court for the Eastern District of California.

21 On February 22, 2016, the Magistrate Judge issued findings and
22 recommendations to grant in part and deny in part Plaintiff's motion to dismiss. (ECF
23 No. 289.) Specifically, the Magistrate Judge recommended that Defendants Bastianon
24 and Johnson be dismissed with prejudice pursuant to Federal Rule of Civil Procedure
25 41(a)(2) based on Plaintiff's motion and Defendants' statement of non-opposition. The
26 Magistrate Judge recommended that Plaintiff's motion be denied as moot as to
27 Defendants Zakari, Raygoza, and Edmonds as they already were dismissed from this
28 action.

1 Neither party objected to the findings and recommendations. In accordance with
2 the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of
3 this case. Having carefully reviewed the entire file, the Court finds the findings and
4 recommendations to be supported by the record and by proper analysis.

5 Accordingly, it is HEREBY ORDERED that:

- 6 1. The Court adopts the findings and recommendations (ECF No. 289), filed
7 February 22, 2016, in full;
- 8 2. Plaintiff's motion to dismiss (ECF No. 285) is GRANTED IN PART AND
9 DENIED IN PART;
- 10 3. Defendants Bastianon and Johnson are DISMISSED with prejudice; and
- 11 4. The matter is referred back to the Magistrate Judge for the issuance of
12 further scheduling orders.

13 IT IS SO ORDERED.

14 Dated: March 18, 2016

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16 SENIOR DISTRICT JUDGE
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