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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERTO A. SOTELO,
Plaintiff,
v.
T. BIRRING, et al.,
Defendants.

Case No. 1:08-cv-01342-LJO-SKO PC
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
MOTION TO SET ASIDE ENTRY OF
DEFAULT
(Docs. 122 and 126)

Plaintiff Roberto A. Sotelo, a state prisoner proceeding in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 10, 2008. This action is proceeding on Plaintiff's second amended complaint, filed March 22, 2012, against Defendant Barry J. Green for acting with deliberate indifference to Plaintiff's medical needs, in violation of the Eighth Amendment of the United States Constitution.

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 June 14, 2013, the Magistrate Judge filed a Findings and Recommendations herein which was served on the parties and which contained notice to the parties that any objections to the Findings and Recommendations were to be filed within ten days. No objections were filed.

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In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), 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 by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed on June 14, 2013, is adopted in full; and
2. Defendant Green's motion to set aside entry of default, filed on April 4, 2013, is

GRANTED.

IT IS SO ORDERED.

Dated: July 9, 2013

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