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10   **UNITED STATES DISTRICT COURT**

11   EASTERN DISTRICT OF CALIFORNIA

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NICK WOODALL,   CASE NO. 1:08-cv-01948-OWW-DLB PC

13
                          Plaintiff,   ORDER ADOPTING FINDINGS AND
14   RECOMMENDATIONS AND DISMISSING
          v.   CERTAIN CLAIMS AND DEFENDANTS
15
STATE OF CALIFORNIA, et al.,   (Doc. 16)
16
                          Defendants.
17
                                                   /
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19   Plaintiff Nick Woodall ("Plaintiff") is a state prisoner proceeding pro se in this civil rights

20 action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge

21 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

22   On November 16, 2009, the Magistrate Judge filed a Findings and Recommendations herein

23 which was served on plaintiff and which contained notice to plaintiff that any objection to the

24 Findings and Recommendations was to be filed within thirty days. Plaintiff did not file any

25 Objection to the Findings and Recommendations.

26   In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a

27 de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings

28 and Recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1.   The Findings and Recommendations, filed November 16, 2009, is adopted in full;

2.   This action proceed on Plaintiff's complaint, filed December 22, 2008, against Defendants Valdez, Ferro, A. Raygosa, T. Lawson, M. Sexton, Olive, and T. Gonzales III for violation of the Eighth Amendment; and

3.   Defendants the State of California, California Department of Corrections and Rehabilitation, R. Castro, E. Felix, E. Meyer, J. Torres, M. Alaniz, A. Robles, and Flores are dismissed from this action for failure to state a claim upon which relief may be granted.

IT IS SO ORDERED.

Dated: **December 30, 2009**   **/s/ Oliver W. Wanger**
                                                     UNITED STATES DISTRICT JUDGE