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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ARTHUR PETROSYAN,

CASE NO. 1:09-cv-00593-AWI-GBC (PC)

Plaintiff,

ORDER ADOPTING FINDINGS AND  
RECOMMENDATION RECOMMENDING  
GRANTING IN PART AND DENYING IN  
PART DEFENDANTS' MOTION TO  
DISMISS, AND REQUIRING DEFENDANTS  
TO FILE A RESPONSE TO PLAINTIFF'S  
AMENDED COMPLAINT WITHIN THIRTY  
DAYS

v.

HEDGPETH, et al.,

Defendants.

(ECF No. 32)

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**ORDER**

Plaintiff Arthur Petrosyan ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on April 2, 2009. (ECF No. 1.) This action proceeds on Plaintiff's First Amended Complaint filed on June 15, 2009. (ECF No. 10.) 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 August 12, 2011, the Magistrate Judge filed a Findings and Recommendation

1 recommending that Defendants Zamora, Ali, Grannis, and Youssef's Motion to Dismiss for  
2 failure to state a claim be granted in part and denied in part. (ECF Nos. 27 & 32.) No  
3 objections were filed.

4  
5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(c) and Local Rule 305,  
6 this Court has conducted a de novo review of this case. Having carefully reviewed the  
7 entire file, the Court finds the Findings and Recommendation to be supported by the record  
8 and by proper analysis. Thus, Defendants Zamora, Ali, Grannis, and Youssef's Motion to  
9 Dismiss for failure to state a claim is granted in part and denied in part.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The Findings and Recommendation, filed August 12, 2011, is adopted in full;
- 12 2. Defendants' Motion to Dismiss the claims based on Plaintiff not receiving  
13 pain medication for four days (between December 22 and 26, 2008) is  
14 GRANTED and the claims are dismissed with prejudice as to the defendants  
15 named in the Amended Complaint;
- 16 3. Defendants' Motion to Dismiss the remaining Eighth Amendment deliberate  
17 indifference claims based on Plaintiff not receiving the recommended  
18 treatment for his injury is DENIED; and
- 19 4. Defendants shall file a response to Plaintiff's Amended Complaint within  
20 **thirty (30) days** from the date of service of this order.

21  
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23 IT IS SO ORDERED.

24 Dated: March 22, 2012

25   
26 CHIEF UNITED STATES DISTRICT JUDGE  
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