

EASTERN DISTRICT OF CALIFORNIA

CASE NO. 1:09-cv-00809-LJO-SKO PC

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS

(Doc. 23)

Defendants.

On August 2, 2010, the Magistrate Judge issued a Findings and Recommendations which recommended that Defendant T. Quillen's motion to dismiss be granted and Plaintiff's retaliation claim against Quillen be dismissed for failing to state a claim. (Doc. #23.) The Findings and Recommendations also recommended that Plaintiff be given leave to amend his complaint. Although the Findings and Recommendations had not yet been adopted, Plaintiff submitted a first amended complaint on August 12, 2010 that was lodged by the Clerk's Office. (Doc. #24.)

The Findings and Recommendations were served on all parties and contained notice that any objections to the Findings and Recommendations were to be filed within thirty (30) days of the date on which the Findings and Recommendations were served. Neither party has filed objections to the Findings and Recommendations.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 305, this Court
2 has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court
3 finds the Findings and Recommendations to be supported by the record and by proper analysis.

4 Accordingly, the Court HEREBY ORDERS that:

- 5 1. The August 2, 2010 Findings and Recommendations are ADOPTED in full;
- 6 2. Defendant's motion to dismiss is GRANTED;
- 7 3. Plaintiff's retaliation claim against Defendant Quillen is DISMISSED, with leave to
8 amend; and
- 9 3. This action shall proceed on Plaintiff's August 12, 2010 first amended complaint.
10 The Clerk's Office is directed to file the lodged August 12, 2010 first amended
11 complaint.

12 IT IS SO ORDERED.

13 **Dated: September 15, 2010**

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