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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	RAUL HERNANDEZ,	Case No. 1:09-cv-00828-AWI-SAB
12	Plaintiff,	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS RECOMMENDING
13	V.	DISMISSING CERTAIN CLAIMS AND DEFENDANTS
14	T. SMITH, et al.,	
15	Defendants.	(ECF No. 24)
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17	Plaintiff Raul Hernandez is a state prisoner appearing pro se and in forma pauperis in this	
18	civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States	
19	Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
20	Currently before the Court is Plaintiff's third amended complaint, filed November 26,	
21	2012. (ECF No. 22.) On April 22, 2013, the Magistrate Judge issued a findings and	
22	recommendations recommending dismissing certain claims and defendants. (ECF No. 24.)	
23	Plaintiff did not file any objections to the findings and recommendations. Pursuant to 28 U.S.C.	
24	§ 636(b)(1)(C), the Court has conducted a de novo review of this case. Having carefully	
25	reviewed the entire file, the Court finds the findings and recommendations to be supported by the	
26	record and by proper analysis.	
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1	Accordingly, it is HEREBY ORDDERED that:	
2	1.	This action shall proceed on Plaintiff's third amended complaint, filed November
3		26, 2012, against Defendants R. D. Smith and Kirk for deliberate indifference to
4		Plaintiff's dental needs;
5	2.	Plaintiff's Eighth Amendment claim against Defendant Kirk for failure to treat his
6		tooth is dismissed, with prejudice, for failure to state a claim;
7	3.	Plaintiff's Eight Amendment claims against Defendants T. Smith and Moody is
8		dismissed, with prejudice, for failure to state a claim;
9	4.	Defendants T. Smith and Moody are dismissed from this action; and
10	5.	This matter is referred back to the Magistrate Judge to initiate service of process
11		proceedings.
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13	IT IC CO ODDEDED	
14	IT IS SO ORDERED. Dated: June 19, 2013	
15	Dated: <u>June</u>	SENIOR DISTRICT JUDGE
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