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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LERROY HAWKINS, JR.,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

Case No. 1:09-cv-01705-LJO-MJS (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
DEFENDANT BACHER’S MOTION TO
DISMISS

ECF Nos. 28, 45

Plaintiff Leroy Hawkins (“Plaintiff”), a California state prisoner, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 28, 2009. 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 15, 2013, the Magistrate Judge filed Findings and Recommendations, recommending that Defendant Bacher’s motion to dismiss be denied. (ECF No. 45.) Defendant Bacher has filed objections. (ECF No. 49.)

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(c) and Local Rule 304, this
2 Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
3 Court finds the Findings and Recommendations to be supported by the record and by proper
4 analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The Findings and Recommendations, filed August 15, 2013, are adopted in full;
- 7 2. Defendant Bacher's motion to dismiss (ECF No. 28) is DENIED, without
8 prejudice; and
- 9 3. Defendant Bacher should file a response to Plaintiff's Second Amended
10 Complaint within thirty days of entry of this order.

11 4.
12 IT IS SO ORDERED.

13 Dated: February 5, 2014

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

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