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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 CHRISTOPHER SIMMONS,

12 Plaintiff,

13 v.

14 J. AKANNO, et al.,

15 Defendant\*\*.

Case No. 1:10-cv-00553 AWI-SAB-PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(ECF Nos. 54, 69 )

ORDER DISMISSING DEFENDANT  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION

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17 Plaintiff is a state prisoner proceeding in a civil rights action pursuant to 42 U.S.C. §  
18 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. §  
19 636(1)(B) and Local Rule 302.

20 On September 4, 2015, [findings and recommendations](#) were entered, recommending  
21 dismissal of Defendant California Department of Corrections and Rehabilitation pursuant to  
22 Federal Rule of Civil Procedure 12(b)(6). The parties were provided an opportunity to file  
23 objections within twenty days. To date, No objections have been filed.

24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 305, this  
25 Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the  
26 Court finds the record to be supported by the record and proper analysis.  
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1 Accordingly, THE COURT HEREBY ORDERS that:

2 1. The findings and recommendations (Doc. No. 69) issued by the Magistrate Judge  
3 on September 4, 2015, are adopted in full;

4 2. Defendant California Department of Corrections and Rehabilitation's motion to  
5 dismiss (Doc. No. 54) is GRANTED and that Defendant is dismissed with prejudice, based on  
6 Plaintiff's failure to state a claim upon which relief may be granted.

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8 IT IS SO ORDERED.

9 Dated: September 29, 2015

  
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10 SENIOR DISTRICT JUDGE  
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