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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ARVIE B. CARROLL,	CASE NO. 1:10-cv-00623-LJO-SKO PC
Plaintiff,	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DENYING DEFENDANT DUTRA'S MOTION TO DISMISS, AND REQUIRING DEFENDANT DUTRA TO FILE AN ANSWER WITHIN THIRTY DAYS
v.	
JAMES A. YATES, et al.,	(Docs. 29 and 37)
Defendants.	

Plaintiff Arvie B. Carroll, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on April 9, 2010. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Pending before the Court is Defendant Dutra's motion to dismiss for failure to state a claim and on qualified immunity grounds, filed on July 25, 2011. Fed. R. Civ. P. 12(b)(6). On November 29, 2011, the Magistrate Judge filed a Findings and Recommendations recommending the motion be denied. The parties were given twenty days within which to file any objections. The twenty-day period has expired and neither party objected.

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

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed November 29, 2011, is adopted in full;
2. Defendant Dutra's motion to dismiss, filed on July 25, 2011, is DENIED, with prejudice; and

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3. Defendant Dutra shall file an answer to Plaintiff's complaint within **thirty (30) days** from the date of service of this order.

IT IS SO ORDERED.

Dated: January 3, 2012

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