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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARRISON S. JOHNSON,

CASE NO. 1:10-cv-00803-AWI-MJS

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATION, DENYING
DEFENDANT’S MOTION TO DISMISS

v.

MATHEW CATE, et al.,

(ECF. No. 29, 36)

Defendants.

_____ /

Plaintiff Garrison S. Johnson, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 10, 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.

On July 31, 2013, the Magistrate Judge issued a findings and recommendation that Defendant’s Motion to Dismiss (ECF No. 29) be denied. (ECF No. 36.) The parties were notified that objection, if any, was due within fourteen days after service. No party filed an objection to the Findings and Recommendation.

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

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Accordingly, it is HEREBY ORDERED that:

1. The Court adopts the Findings and Recommendation filed on July 31, 2013, in full;
- and
2. Defendant's Motion to Dismiss (ECF No. 29) is DENIED.

IT IS SO ORDERED.

Dated: September 30, 2013



SENIOR DISTRICT JUDGE