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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed on December 20, 2013, is adopted in full;
2. Defendant M. Martinez is DISMISSED from the action for failure to state a cognizable claim; and
3. Plaintiff's Due Process and Equal Protection claims are DISMISSED from the action for failure to state a cognizable claim.

IT IS SO ORDERED.

Dated: January 21, 2014

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