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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

STEVIE STEVENSON,

Plaintiff,

v.

B. KELLUMS, et al.,

Defendants.

CASE NO. 1:10-CV-01401-OWW-DLB PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
CERTAIN CLAIMS AND DEFENDANTS

(DOC. 15)

DEFENDANT KELLUMS’S RESPONSE  
DUE WITHIN THIRTY (30) DAYS

Plaintiff Stevie Stevenson (“Plaintiff”) is a California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s [complaint](#) against Defendants B. Kellums, O. Perales, and A. L. Reyes. 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 April 25, 2011, the Magistrate Judge filed a [Findings and Recommendations](#) which was served on the parties and which contained notice to the parties that any objection to the Findings and Recommendations was to be filed within fourteen days. Neither party filed a timely Objection to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), 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 April 25, 2011, is adopted in full;
2. Defendants Perales and Reyes are dismissed from this action without prejudice for

1 violation of Rule 20(a)(2) of the Federal Rules of Civil Procedure;

2 3. This action proceed on Plaintiff’s complaint against Defendant B. Kellums for  
3 retaliation in violation of the First Amendment and excessive force in violation of the  
4 Eighth Amendment;

5 4. Plaintiff’s other claims against Defendant Kellums are dismissed for failure to state  
6 a claim; and

7 5. Defendant B. Kellums is granted thirty (30) days from the date of service of this  
8 order in which to file a responsive pleading to Plaintiff’s complaint.

9 IT IS SO ORDERED.

10 **Dated:** May 24, 2011

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

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