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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAUL C. HAMILTON,

1:10-cv-1925-LJO-MJS (PC)

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS

v.

J.A. YATES, et al.,

(ECF No. 23)

Defendants.

_____ /

Plaintiff Paul C. Hamilton (“Plaintiff”) is a prisoner proceeding pro se in a civil rights action pursuant to 42 U.S.C. § 1983. 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 October 4, 2012, the Magistrate Judge filed a Findings and Recommendations, recommending dismissal of one of Plaintiff’s claims. (ECF No. 23.) Plaintiff has failed to file objections.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(c) and Local Rule 305, 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.

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2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The Findings and Recommendations, filed October 4, 2012, are adopted in full;
- 4 2. Plaintiff be allowed to proceed on his Eighth Amendment conditions of
5 confinement claim against Defendants Mattingly, Trimble, Spearman, and Yates;
- 6 3. Plaintiff's Fourteenth Amendment be dismissed; and
- 7 4. Defendants shall file an answer or otherwise defend against this action within thirty
8 days of entry of this order.

9 IT IS SO ORDERED.

10 **Dated:** November 9, 2012

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

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