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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 ANTHONY CHAVARRIA,

12 Plaintiff,

13 vs.

14 P. A. GREEN, et al.,

15 Defendants.
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1:10-cv-02324-LJO-GSA-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. 31.)

ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS' RULE
12(b)(6) MOTION TO DISMISS
(Doc. 24.)

ORDER DISMISSING PLAINTIFF'S
CLAIMS FOR DAMAGES AGAINST
DEFENDANTS IN THEIR OFFICIAL
CAPACITIES FROM THIS ACTION

ORDER REQUIRING DEFENDANTS TO
FILE ANSWER WITHIN THIRTY DAYS

22 Anthony Chavarria ("Plaintiff") is a state prisoner proceeding pro se in this civil rights
23 action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate
24 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

25 On February 11, 2015, [findings and recommendations](#) were entered, recommending that
26 Defendants' motion to dismiss be granted in part and denied in part. (Doc. 31.) On March 13,
27 2015, Plaintiff filed [objections](#) to the findings and recommendations. (Doc. 32.) On the same
28 date, Defendants also filed [objections](#) to the findings and recommendations. (Doc. 33.)

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
2 Court has conducted a de novo review of this case. Having carefully reviewed the entire file,
3 including the parties' objections, the Court finds the findings and recommendations to be
4 supported by the record and proper analysis.

5 Accordingly, THE COURT HEREBY ORDERS that:

- 6 1. The Findings and Recommendations issued by the Magistrate Judge on February
7 11, 2015, are ADOPTED IN FULL;
- 8 2. Defendants' motion to dismiss, filed on July 28, 2014, is GRANTED IN PART
9 and DENIED IN PART;
- 10 3. Defendants' motion to dismiss Plaintiff's claims for damages against
11 Defendants in their official capacities is GRANTED;
- 12 4. Defendants' motion to dismiss certain medical claims from Plaintiff's
13 Complaint, based on Plaintiff's abandonment of the claims, is DENIED;
- 14 5. Defendants' motion to dismiss certain medical claims from the Complaint,
15 based on Plaintiff's failure to state a claim, is DENIED;
- 16 6. Defendants' motion to dismiss Plaintiff's claim for injunctive relief is DENIED;
- 17 7. Plaintiff's claims for damages against Defendants in their official capacities are
18 DISMISSED from this action;
- 19 8. Defendants are required to file an Answer to the Complaint within thirty days of
20 the date of service of this order; and
- 21 9. This case is referred back to the Magistrate Judge for further proceedings.

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23 IT IS SO ORDERED.

24 Dated: March 19, 2015

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