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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EDWARD FURNACE,

Plaintiff,

v.

GEORGE GIURBINO, et al.,

Defendants.

CASE NO. 1:11-cv-00012-LJO-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
DEFENDANTS' MOTION TO DISMISS

(ECF Nos. 41, 45, 58)

RESPONSIVE PLEADING DUE WITHIN
THIRTY DAYS

_____ /

Plaintiff Edward Furnace (“Plaintiff”) is a California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On February 27, 2012, Defendants J. Bales, G. Giurbino, M. Hodges-Wilkins, D. Leon, R. Lopez, L. Warren, and S. Fuentes filed a [motion to dismiss](#) on the grounds of res judicata. ECF Nos. 41, 45. 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 September 6, 2012, 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. ECF No. 58. No 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.

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Accordingly, IT IS HEREBY ORDERED that:

- 1. The Findings and Recommendations, filed September 6, 2012, is adopted in full;
- 2. Defendants' motion to dismiss on the grounds of res judicata is denied; and
- 3. Defendants are required to serve and file a responsive pleading to Plaintiff's first amended complaint within **thirty (30) days** from the date of service of this order.

IT IS SO ORDERED.

Dated: September 27, 2012

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