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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

REGINALD DARRELL MILLER,

Plaintiff,

v.

MATTHEW CATE, et al.,

Defendants.

CASE NO. 1:11-cv-01111-LJO-GBC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANTS MCMANUS AND SUZUKI'S
MOTION TO DISMISS

Docs. 11 & 48

Plaintiff is a civil detainee proceeding pro se in a 42 U.S.C. § 1983 civil rights action removed by Defendants. 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 July 11, 2011, Defendants McManus and Suzuki filed a [Motion to Dismiss](#). On September 16, 2011, the Magistrate Judge issued [Findings and Recommendations](#), recommending granting Defendants McManus and Suzuki's Motion to Dismiss. Plaintiff has not submitted any objections to the Findings and Recommendations of the Magistrate Judge.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the 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 Court adopts the Findings and Recommendations, filed September 16, 2011, in full;
2. Defendants McManus and Suzuki's Motion to Dismiss, filed July 11, 2011, is GRANTED;

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- 3. Defendants McManus and Suzuki are DISMISSED from this action;
- 4. The Court DECLINES to exercise supplemental jurisdiction over Plaintiff's state law claims against Defendants Suzuki and McManus; and
- 5. Plaintiff's state law claims are DISMISSED without prejudice and REMANDED to Fresno County Superior Court for further proceedings.

IT IS SO ORDERED.

Dated: November 18, 2011

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