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

FRED GOMEZ,

Plaintiff,

v.

SERGEANT SWAIM, et al.,

Defendants.

CASE NO. 1:11-cv-01436-AWI-DLB PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
CERTAIN CLAIMS AND DEFENDANTS

ECF No. 25

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Plaintiff Fred Gomez (“Plaintiff”) is a California state prisoner proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. On November 13, 2012, Plaintiff filed a First Amended [Complaint](#). ECF No. 23. 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 10, 2013, 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. 25. Plaintiff filed an [Objection](#) to the Findings and Recommendations on [DATE]. ECF No. 27.

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 10, 2013, is adopted in full;
2. This action proceeds on Plaintiff’s First Amended Complaint against Defendants

1 Swaim, Becerra, Daveiga, and Junious for deliberate indifference to Plaintiff's  
2 conditions of confinement in violation of the Eighth Amendment for placing Plaintiff  
3 on management cell status for twenty-two days without adequate heating;

4 3. Plaintiff's claim regarding denial of four meals over twenty-four hours is dismissed  
5 with prejudice for failure to state a claim; and

6 4. Defendants Does are dismissed from this action.

7 IT IS SO ORDERED.

8 Dated: May 21, 2013



9 SENIOR DISTRICT JUDGE

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