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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT LEWIS SMITH,
Plaintiff,
v.
S. PINA, et al.,
Defendants.

Case No. 1:11-cv-01651-LJO-MJS (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
DEFENDANT PINA’S MOTION TO
DISMISS
ECF Nos. 29, 32

Plaintiff Robert Lewis Smith (“Plaintiff”), a California state prisoner, filed this civil rights action pursuant to 42 U.S.C. § 1983 on September 29, 2011. 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 August 16, 2013, the Magistrate Judge filed Findings and Recommendations, recommending that Defendant Pina’s motion to dismiss be denied. (ECF No. 32.) Defendant Pina has filed objections. (ECF No. 33.)

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

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The Findings and Recommendations, filed August 16, 2013, are adopted in full;
- 7 2. Defendant Pina's motion to dismiss (ECF No. 29) is DENIED; and
- 8 3. Defendant Pina should file a response to Plaintiff's First Amended Complaint
9 within thirty days of entry of this order.

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11 IT IS SO ORDERED.

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13 Dated: September 30, 2013

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