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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUAN SOUSA,

Plaintiff,

v.

C. WEGMAN, et al.,

Defendants.

Case No. 1:11-cv-01754-LJO-MJS (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS (1) GRANTING
DEFENDANT’S MOTION TO STRIKE
SURREPLY, and (2) DENYING
DEFENDANT’S MOTION TO DISMISS
SECOND AMENDED COMPLAINT**

(ECF Nos. 24, 29, 32)

CASE TO REMAIN OPEN

Plaintiff Juan Sousa is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed October 21, 2011 pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the United States District Court for the Eastern District of California.

On January 29, 2014, the Magistrate Judge issued Findings and Recommendations that Defendant’s Motion to Strike Plaintiff’s Surreply be granted and Defendant’s Motion to Dismiss the Second Amended Complaint be denied. (F&R, ECF No. 32, at 12:4-6.) Any objection to the Findings and Recommendations was due by February 18, 2014. (Id., at 12:9-10.) The February 18th deadline passed without Plaintiff filing objections or otherwise

1 responding.

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

6 Accordingly, it is HEREBY ORDERED that:

- 7 1. The Court adopts the Findings and Recommendations filed on January 29,
8 2014, (ECF No. 32) in full,
- 9 2. Defendant's Motion to Strike Plaintiff's Surreply (ECF No. 29), is GRANTED,
- 10 3. Defendant's Motion to Dismiss the Second Amended Complaint (ECF No. 24)
11 is DENIED, and
- 12 4. The case shall remain open.

13
14 IT IS SO ORDERED.

15 Dated: February 27, 2014

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