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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY LECOMPTE,

Plaintiff,

v.

DHAH, et al.,

Defendants.

Case No. 1:11-cv-02105 LJO-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
DEFENDANTS' MOTION TO DISMISS
(Document 23)

ORDER REQUIRING DEFENDANTS TO
FILE RESPONSIVE PLEADING WITHIN
THIRTY DAYS

Plaintiff Timothy LeCompte ("Plaintiff"), a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 21, 2011. The action is proceeding on an Eighth Amendment claim against Defendants F.N.P. Dhah, Dr. Moon, Dr. Jeffrey Wang, Teresa Macias and L. D. Zamora.

On April 29, 2013, Defendants Moon, Wang, Macias and Zamora filed this Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).¹ 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 30, 2013, the Magistrate Judge issued [Findings and Recommendations](#) to deny Defendants' Motion to Dismiss. The Findings and Recommendations were served on the parties and contained notice to the parties that any objections to the Findings and Recommendations were to be filed within thirty days. Over thirty days have passed and no objections have been filed.

¹ There is no indication that Defendant Dhah has been served.

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

4 Accordingly, IT IS HEREBY ORDERED THAT:

- 5 1. The Findings and Recommendations, filed September 30, 2013, are ADOPTED in
6 full;
- 7 2. Defendants' Motion to Dismiss (Document 15) is DENIED; and
- 8 3. Defendants SHALL file a responsive pleading within thirty (30) days of the date of
9 service of this order.

10
11 IT IS SO ORDERED.

12
13 Dated: November 7, 2013

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