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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JESSE J. MONTIEL,)	1:11cv02145 LJO DLB PC
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS REGARDING
vs.)	DISMISSAL OF DEFENDNT WYNN
)	
YATES, et al.,)	(Document 56)
)	
Defendants.)	

Plaintiff Jesse J. Montiel (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 28 U.S.C. § 1983. Plaintiff filed this action on December 28, 2011. This action is proceeding against Defendants Green, Taher-Pour, Wilson, Das and Wynn for violation of the Eighth Amendment.¹

On May 20, 2014, the Court issued [Findings and Recommendations](#) that Defendant Wynn be dismissed for Plaintiff’s failure to effectuate service. The Findings and Recommendations were served on Plaintiff and contained notice that any objections to the Findings and Recommendations were to be filed within fifteen days. No objections have been filed.

¹ On June 9, 2014, the Court issued Findings and Recommendations to grant the motion for summary judgment filed by Defendants Taher-pour and Wilson. The objection period has not yet passed.

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

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Findings and Recommendations, filed May 20, 2014, are ADOPTED in full;
6 and
- 7 2. Defendant Wynn is DISMISSED FROM THIS ACTION.
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9 IT IS SO ORDERED.

10 Dated: June 12, 2014

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