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

HARVEY CURTIS BAKER,  
Plaintiff,  
v.  
JAMES A. YATES,  
Defendant.

Case No. 1:12-cv-00126-LJO-SAB  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
ECF NO. 53

Plaintiff Harvey Curtis Baker (“Plaintiff”) is a state prisoner proceedings pro se in this civil rights action against Defendant James A. Yates (“Defendant”). On April 2, 2013, Defendant filed a motion to dismiss. (ECF No. 53.) On April 10, 2013, the magistrate judge issued a Findings and Recommendations recommending that Defendant’s motion to dismiss be denied as moot. (ECF No. 55.)

The Findings and Recommendations were served on all parties and contained notice that any objections were to be filed within thirty (30) days. Neither party has filed objections to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of the case. Having carefully reviewed the entire file, the Court finds that the Findings and Recommendations are supported by the record and by proper analysis. In this case, Defendant’s motion to dismiss was mooted by the Court’s screening order dismissing Plaintiff’s

1 complaint. (See ECF No. 54.)

2 Accordingly, it is HEREBY ORDERED that:

- 3 1. The Findings and Recommendations dated April 10, 2013 are ADOPTED IN  
4 FULL (ECF No. 55); and
- 5 2. Defendant's motion to dismiss is DENIED as moot.

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8 IT IS SO ORDERED.

9 Dated: May 15, 2013

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

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