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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DWAYNE MEREDITH,
Plaintiff,
v.
D. OVERLEY, et al.,
Defendants.

Case No. 1:12-cv-0455-LJO-MJS
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
DEFENDANTS’ MOTION TO DISMISS
(ECF No. 31)

Plaintiff Dwayne Meredith (“Plaintiff”), a California state prisoner, filed this civil rights action pursuant to 42 U.S.C. § 1983 on March 26, 2012. 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 June 28, 2013, the Magistrate Judge filed a Findings and Recommendations, recommending denial of defendants’ motion to dismiss. (ECF No. 31.) Defendants have filed objections (ECF No. 32) and Plaintiff filed a response (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 June 28, 2013, are adopted in full;
- 7 2. Defendants' motion to dismiss (ECF No. 12) is DENIED; and
- 8 3. Defendants shall file a responsive pleading within thirty (30) days of entry of this
9 order.

10 4.

11 IT IS SO ORDERED.

12 Dated: August 16, 2013

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

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