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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LOC PHAT LE,

Plaintiff,

v.

JOHN CHOKATOS, et al.,

Defendants.

CASE NO. 1:12-cv-00460-AWI-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

ECF No. 11

_____ /

Plaintiff Loc Phat Le (“Plaintiff”) is a California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On March 27, 2012, Plaintiff filed his [complaint](#). ECF No. 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 November 7, 2012, the Magistrate Judge filed a [Findings and Recommendations](#) which was served on Plaintiff and which contained notice to Plaintiff that any objection to the Findings and Recommendations was to be filed within fourteen days. ECF No. 11. Plaintiff did not file a timely Objection to the Findings and Recommendations.

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

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed November 7, 2012, is adopted in full;
2. This action proceeds against Defendant Chokatos for deliberate indifference to a serious medical need in violation of the Eighth Amendment;
3. All other claims are dismissed with prejudice for failure to state a claim upon which relief may be granted; and
4. Defendants Lonigro, Brazelton, and Cate are dismissed from this action.

IT IS SO ORDERED.

Dated: January 7, 2013



UNITED STATES DISTRICT JUDGE