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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICHARD CHARLES HANNA,
Plaintiff,
v.
MARIPOSA COUNTY SHERIFF DEPT.
et al.,
Defendants.

Case No. 1:12-cv-00501-AWI-SAB
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF Nos. 57-71, 82, 87, 91)

Plaintiff Richard Charles Hanna is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. 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 10, 2013, [default](#) was entered against Defendants Boehm, King, Mariposa County Sheriff Department, Rameriz, and Rumfelt.

On January 9, 2014, the Magistrate Judge filed a [Findings and Recommendations](#) recommending setting aside the Entry of Default which was served on the parties and which contained notice to the parties that any objections to the Findings and Recommendations were to be filed within thirty days. On January 21, 2014, Plaintiff filed an [Objection](#).

In his objection, Plaintiff argues that he has been prejudiced due to “evidence” having been destroyed. There is nothing in the record to suggest that there has been the destruction of

1 any evidence in this action. Plaintiff's conclusory statements are not sufficient to establish that he
2 will suffer any prejudice in this action. Should this action survive the motion to dismiss, the
3 Court will issue an order opening discovery in this action. If Plaintiff discovers that evidence has
4 actually been destroyed, the issue will be addressed at that time.

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

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The Findings and Recommendations, filed January 9, 2014, is ADOPTED IN
10 FULL;
- 11 2. The Entry of Default filed September 10, 2013 is SET ASIDE; and
- 12 3. This action is referred back to the magistrate judge.

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14 IT IS SO ORDERED.

15 Dated: January 23, 2014


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SENIOR DISTRICT JUDGE