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

BRADY K. ARMSTRONG,)	Case No.: 1:13-cv-00246-AWI-SAB (PC)
)	
Plaintiff,)	
)	ORDER ADOPTING FINDINGS AND
v.)	RECOMMENDATION, DENYING
)	DEFENDANTS' MOTION TO DISMISS, AND
M.E. SPEARMAN, et al.,)	DIRECTING DEFENDANTS TO FILE A
)	FURTHER RESPONSE TO COMPLAINT WITHIN
Defendants.)	THIRTY DAYS
)	
)	[ECF Nos. 47, 61]

Plaintiff Brady K. Armstrong is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On January 14, 2015, the Magistrate Judge filed a Findings and Recommendations which was served on the parties and which contained notice to the parties that Objections to the Findings and Recommendations were to be filed within thirty days. No Objections were filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the 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.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed on January 14, 2015, is adopted in full; and
2. Defendants' motion to dismiss under Rules 12(b)(6) and 12(e) of the Federal Rules of Civil Procedure is DENIED; and

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3. Within **thirty (30)** days from the date of service of this order, Defendants shall file a further response to the complaint, including a motion for summary judgment relating to exhaustion of the administrative remedies.

IT IS SO ORDERED.

Dated: February 24, 2015

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