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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

G. J. GUTIERREZ,
Plaintiff,
vs.
A. GUTIERREZ,
Defendant.

1:13-cv-00421-LJO-GSA-PC
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. 37.)
ORDER DENYING DEFENDANT'S
MOTION TO DISMISS FOR FAILURE TO
STATE A CLAIM OR BASED ON
QUALIFIED IMMUNITY
(Doc. 20.)
ORDER REQUIRING DEFENDANT TO
FILE ANSWER WITHIN THIRTY DAYS

G. J. Gutierrez ("Plaintiff") is a state prisoner proceeding pro se 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 17, 2014, findings and recommendations were entered, recommending that Defendant's motion to dismiss be denied. (Doc. 20.) The parties were granted an opportunity to file objections to the findings and recommendations within thirty days. To date, no objections have been filed.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file,

1 the Court finds the findings and recommendations to be supported by the record and proper
2 analysis.

3 Accordingly, THE COURT HEREBY ORDERS that:

- 4 1. The Findings and Recommendations issued by the Magistrate Judge on
5 September 17, 2014, are ADOPTED IN FULL;
- 6 2. Defendant's motion to dismiss, filed on June 5, 2014, is DENIED;
- 7 3. Defendant is required to file an Answer to the Complaint within thirty days of
8 the date of service of this order; and
- 9 4. This case is referred back to the Magistrate Judge for further proceedings.

10 IT IS SO ORDERED.
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12 Dated: October 22, 2014

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