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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. PAYAN,)	1:13cv00807 LJO DLB PC
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS AND DISMISSING
vs.)	CERTAIN CLAIMS
)	
H. TATE, et al.,)	(Document 8)
)	
Defendants.)	

Plaintiff Michael J. Payan (“Plaintiff”), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action on May 28, 2013. 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 January 8, 2014, the Magistrate Judge issued [Findings and Recommendations](#) that certain claims be dismissed without leave to amend for failure to state a claim. The Findings and Recommendations were served on Plaintiff and contained notice that any objections must be filed within thirty days. Plaintiff did not file objections.

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

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The Findings and Recommendations, filed January 8, 2014, are adopted in full;

3 2. This action proceed on the following cognizable claims: (1) retaliation in
4 violation of the First Amendment by Defendants Bingamon, Tate and Vu; and (2)
5 deliberate indifference to a serious medical need in violation of the Eighth
6 Amendment against Defendants Bingamon, Tate, Vu, Sheisha and Joaquin.

7 3. All other claims ARE DISMISSED.

8 IT IS SO ORDERED.

9 Dated: February 21, 2014

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