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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL G. VALENCIA,  
Plaintiff,  
v.  
KOKOR, et al.,  
Defendants.

No. 1:13-cv-01391 LJO DLB PC  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND (1)  
GRANTING DEFENDANT SUNDARAM’S  
MOTION TO DISMISS WITH LEAVE TO  
AMEND; AND (2) DENYING PLAINTIFF’S  
MOTION FOR INJUNCTIVE RELIEF  
(Document 88)

Plaintiff Daniel G. Valencia (“Plaintiff”) is a California state prisoner proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. The action is proceeding on Plaintiff’s Second Amended Complaint for violation of the Eighth Amendment against Defendants Kokor and Sundaram.

Defendant Sundaram filed a motion to dismiss on February 16, 2016. In conjunction with his opposition, Plaintiff filed a motion for a temporary restraining order. The matters were referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 2, 2016, the Magistrate Judge issued Findings and Recommendations that (1) Defendant Sundaram’s motion be granted with leave to amend; and (2) Plaintiff’s motion for a temporary restraining order be denied. The Findings and Recommendations were served on

1 the parties and contained notice that any objections must be filed within thirty days. Plaintiff  
2 filed objections on June 16, 2016.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
4 de novo review of this case. Having carefully reviewed the entire file, including Plaintiff's  
5 objections, the Court finds that the Findings and Recommendations are supported by the record  
6 and proper analysis.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The Findings and Recommendations, filed June 2, 2016, are adopted in full;
- 9 2. Defendant Sundaram's motion to dismiss (Document 71) is GRANTED;
- 10 3. Plaintiff SHALL file an amended complaint<sup>1</sup> within thirty (30) days of the date of  
11 service of this order;
- 12 4. Defendant Sundaram must file a response to the amended complaint within thirty  
13 (30) days of the date of service; and
- 14 5. Plaintiff's motion for a temporary restraining order (Document 81) is DENIED.

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16 IT IS SO ORDERED.

17 Dated: July 7, 2016

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

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27 <sup>1</sup> Plaintiff's amended complaint may not add new claims against either Defendant. He may only add the facts  
28 presented in his opposition related to Defendant Sundaram, and any other facts that may further explain his claim  
against Defendant Sundaram.