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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAKEITH L. MCCOY,
Plaintiff,
v.
M. GARIKAPARTHI et al.,
Defendants.

No. 1:13-cv-01495-DAD-BAM

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DENYING
DEFENDANTS' MOTION TO DISMISS

(Doc. Nos. 39, 47)

Plaintiff LaKeith L. McCoy is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed on September 16, 2013. (Doc. Nos. 1, 5.) On February 1, 2017, the assigned magistrate judge issued findings and recommendations recommending that defendants' motion to dismiss be denied. (Doc. No. 47.) Those findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen days after service of the findings and recommendations. (*Id.* at 10.) No objections have been filed and the time provided for doing so has now passed.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(c), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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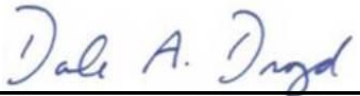
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Accordingly,

1. The February 1, 2017 findings and recommendations (Doc. No. 47) are adopted in full;
2. Defendants' motion to dismiss (Doc. No. 39) is denied; and
3. This action is referred back to the assigned magistrate judge for further proceedings consistent with this order.

IT IS SO ORDERED.

Dated: March 2, 2017


UNITED STATES DISTRICT JUDGE