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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	ALEJANDRO GARCIA,	No. 1:14-cv-00999 LJO DLB PC
12	Plaintiff,	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DENYING
13	v.	DEFENDANT'S MOTION TO DISMISS
14	PURDY,	(Document 42)
15	Defendant.	
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17	Plaintiff Alejandro Garcia ("Plaintiff") is a state prisoner proceeding pro se and in forma	
18	pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on June	
19	2, 2014, in the United States District Court for the Southern District of California, and it was	
20	transferred to this Court on June 24, 2014.	
21	Defendant Purdy filed a motion to dismiss pursuant to Federal Rule of Civil Procedure	
22	12(b)(6) on March 18, 2016. The matter was referred to a United States Magistrate Judge	
23	pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
24	On July 22, 2016, the Magistrate Judge issued Findings and Recommendations that the	
25	motion be denied. The Findings and Recommendations were served on the parties and contained	
26	notice that any objections must be filed within thirty (30) days. Over thirty (30) days have passed	
27	and neither party has filed objections.	
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1	In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a	
2	de novo review of this case. Having carefully reviewed the entire file, the Court finds that the	
3	Findings and Recommendations are supported by the record and proper analysis.	
4	Accordingly, IT IS HEREBY ORDERED that:	
5	1. The Findings and Recommendations, filed July 22, 2016, are adopted in full;	
6	2. Defendant's motion to dismiss (Document 27) is DENIED; and	
7	3. Defendant SHALL file a response to the Second Amended Complaint within thirty	
8	(30) days of the date of service of this order.	
9	IT IS SO ORDERED.	
10	Dated: August 29, 2016 /s/ Lawrence J. O'Neill	
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