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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM BIRDSALL,

 Plaintiff,

 v.

D. JAMES,

 Defendant.

No. 1: 14-cv-01738-DAD-BAM

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
DENIAL OF DEFENDANT’S MOTION TO
DISMISS

(Doc. No. 44)

Plaintiff William Birdsall is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on plaintiff’s second amended complaint (Doc. No. 17) asserting a due process violation claim against defendant James.

Defendant James filed a motion to dismiss on October 2, 2017. (Doc. No. 23.) On August 10, 2018, the assigned magistrate judge issued findings and recommendations recommending denial of defendant James’ motion to dismiss. (Doc. No. 44.) The findings and recommendations were served on the parties and contained notice that any objections thereto were required to be filed within fourteen days after service. (*Id.* at 7–8.) More than fourteen days have passed, and no objections have been filed.

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 and carefully reviewed the entire file. The court finds that the


1 findings and recommendations are supported by the record and by proper analysis.

2 Accordingly,

- 3 1. The findings and recommendations issued on August 10, 2018 (Doc. No. 44) are
4 adopted in full;
- 5 2. Defendant James' motion to dismiss (Doc. No. 23) is denied; and
- 6 3. This matter is referred back to the assigned magistrate judge for further proceedings
7 consistent with this order.

8 IT IS SO ORDERED.

9 Dated: September 5, 2018


UNITED STATES DISTRICT JUDGE

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