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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CHARLES ALBERT NEELY,)	Case No.: 1:15-cv-00197-LJO-SAB (PC)
)	
Plaintiff,)	
)	ORDER ADOPTING FINDINGS AND
v.)	RECOMMENDATION, DENYING
)	DEFENDANT’S MOTION TO DISMISS, AND
D. RUFFIN,)	DIRECTING DEFENDANT TO FILE A FURTHER
)	RESPONSE TO PLAINTIFF’S SECOND
Defendant.)	AMENDED COMPLAINT
)	
)	[ECF Nos. 19, 24]

Plaintiff Charles Albert Neely is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

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 September 2, 2016, the Magistrate Judge filed a Findings and Recommendation which was served on the parties and contained notice that objections to the Findings and Recommendation were to be filed within thirty days. Defendant filed objections on October 3, 2016.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, including Defendant’s objections, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendation, filed on September 2, 2016, is adopted in full;
2. Defendant's motion to dismiss the second amended complaint is DENIED; and
3. Within thirty days from the date of service of this order, Defendant shall file a further response to the second amended complaint.

IT IS SO ORDERED.

Dated: October 11, 2016

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