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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 JOSEPH D. RODRIGUEZ,

12 Plaintiff,

13 vs.

14 EDMUND G. BROWN, JR., et al.,

15 Defendants.
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1:15-cv-01754-LJO-EPG-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS THAT
DEFENDANT'S MOTIONS TO DISMISS
STATE LAW CLAIMS BE GRANTED,
WITHOUT PREJUDICE

(ECF Nos. 19, 27.)

17 Joseph D. Rodriguez ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma*
18 *pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred
19 to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On November 1, 2016, the the Magistrate Judge filed a Findings and
21 Recommendations that Defendant Sherman's Motion to Dismiss (ECF No. 19) be granted and
22 that Plaintiff's state law claims be dismissed without prejudice (ECF No. 27). This was served
23 on Plaintiff that same day and contained notice that any objections were to be filed within
24 twenty days. (*Id.*) Plaintiff did not file any objections.

25 Accordingly, it is HEREBY ORDERED that:

- 26 1. The Findings and Recommendations, filed November 1, 2016 (ECF No. 27), are
27 adopted in full;
28 1. Defendant Sherman's Motion to Dismiss (ECF No. 19) is GRANTED;

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- 2. Plaintiff's state law claims are dismissed from this case without prejudice; and
- 3. This case will proceed only on Plaintiff's claim against defendant Sherman for unconstitutional conditions of confinement in violation of the Eighth Amendment.

IT IS SO ORDERED.

Dated: December 5, 2016

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