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In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, 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 proper analysis.

Accordingly,

1. The findings and recommendations issued on September 13, 2019 (Doc. No. 53) are adopted in full;
2. Defendant Officer Doe # 3 is dismissed from this action, without prejudice, pursuant to Federal Rule of Civil Procedure 4(m);
3. This action shall proceed against defendant Rojas for deliberate indifference in violation of the Eighth Amendment; and
4. The matter is referred back to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: December 10, 2019

  
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UNITED STATES DISTRICT JUDGE