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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 ELGAN BASTON,

12 Plaintiff,

13 v.

14 EDWARD M. YETT, *et al.*,

15 Defendants.
16

Case No. 1:16-cv-01564-LJO-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
THAT DEFENDANTS' MOTION TO
DISMISS BE DENIED

(ECF Nos. 18, 31)

17 Elgan Baston ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in
18 this civil rights action pursuant to 42 U.S.C. § 1983.

19 On December 5, 2017, the assigned magistrate judge entered findings and
20 recommendations, recommending that Defendants Benjamin Arreguin, Kristofer R. Campbell,
21 Eddie Ohaya, Michael A. Toscano, and Edward M. Yett's Rule 12(b)(6) motion to dismiss
22 Plaintiff's Complaint, (ECF No. 18), be denied. (ECF No. 31.) The findings and
23 recommendations were served on the parties and contained notice that objections thereto were
24 to be filed within fourteen days. Defendants did not file objections, and Plaintiff filed a notice
25 indicating that he had no objections.

26 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted
27 a *de novo* review of the matter. Having carefully reviewed the entire file, the court finds that
28 the findings and recommendations are supported by the record and proper analysis.

1 Accordingly, it is hereby ordered that:

- 2 1. The findings and recommendations entered on December 5, 2017 (ECF No. 31)
3 are adopted in full;
- 4 2. Defendants' Rule 12(b)(6) motion to dismiss (ECF No. 18) is denied; and
- 5 3. Defendants are directed to file an appropriate responsive pleading in accordance
6 with Rule 12(b)(4) of the Federal Rules of Civil Procedure.

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8 IT IS SO ORDERED.

9 Dated: December 22, 2017

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