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6 UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA
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9 DANIEL MURPHY COSTON,

10 Plaintiff,

11 v.

12 MAJID RAHIMIFAR and MUSHTAQ
13 AHMED,

14 Defendants.

Case No. 1:17-cv-00765-LJO-JDP

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTION TO DISMISS

ECF Nos. 16, 24

15 Plaintiff Daniel Murphy Coston is a state prisoner proceeding *pro se* and *in forma*
16 *pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to
17 a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

18 On October 23, 2018, the assigned Magistrate Judge entered findings and
19 recommendations that the Court deny defendant Mushtaq Ahmed's motion to dismiss.
20 ECF No. 24. The parties had an opportunity to object to the findings and recommendations.
21 No objections were filed, and the time to do so has now passed.

22 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this
23 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,
24 the Court finds the findings and recommendations to be supported by the record and proper
25 analysis.

26 Accordingly, IT IS ORDERED that:

- 27 1. The findings and recommendations issued by the magistrate judge on October 23,
28 2018, ECF No. 24, are adopted in full;

2. Defendant Mushtaq Ahmed's motion to dismiss, ECF No. 16, is denied; and
3. This matter is referred back to the magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: December 21, 2018

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