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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JORGE LUIS SOSA,  
  
Plaintiff,  
  
v.  
  
R. HULSE,  
  
Defendant.

No. 1:19-cv-01333-NONE-EPG(PC)  
  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS RECOMMENDING  
THAT DEFENDANT’S MOTION TO  
DISMISS BE DENIED  
  
(Doc. Nos. 18 & 37)

Plaintiff Jorge Luis Sosa is a state inmate proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on plaintiff’s complaint against defendant R. Hulse for alleged violation of plaintiff’s rights under the Eighth Amendment to be free from the excessive use of force and from sexual assault and for violation of plaintiff’s rights under the First Amendment to be free from retaliation. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 28, 2021, the assigned magistrate judge issued findings and recommendations recommending that defendant’s motion to dismiss based upon the applicable statute of limitations be denied. (Doc. No. 37.) Those findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within twenty-one (21) days after service. (*Id.* at 17.) No objections have been filed, and the deadline to do so has expired.

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1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a  
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
3 magistrate judge's findings and recommendations are supported by the record and by proper  
4 analysis.

5 Accordingly,

- 6 1. The findings and recommendations issued on January 28, 2021, (Doc. No. 37), are  
7 adopted in full;
- 8 2. Defendant's motion to dismiss (Doc. No. 18) is DENIED; and
- 9 3. This case is referred back to the assigned magistrate judge for further proceedings.

10 IT IS SO ORDERED.

11 Dated: March 8, 2021

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14 UNITED STATES DISTRICT JUDGE  
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