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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL ERIC HEBBE,

Plaintiff,

2:00-cv-0306-GEB-PAN (JFM)-P

vs.

CHERYL PLILER, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On March 8, 2006, the magistrate judge filed amended findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. On March 8, 2006, defendants filed objections to the findings and recommendations. On March 20, 2006, plaintiff filed objections to the amended findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire

1 file, the court finds the amended findings and recommendations to be supported by the record
2 and by proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The amended findings and recommendations filed March 8, 2006, are adopted
5 in full;

6 2. Defendants' March 17, 2005 motion for summary judgment is denied as to
7 plaintiff's claim defendants Vance and Pliler subjected plaintiff to cruel and unusual punishment
8 from November 9, 1998 until March 8, 1999; and

9 3. Defendants' March 17, 2005 motion to dismiss is granted; plaintiff's claims
10 that his Eighth Amendment rights were violated in the March to April 1999 and September to
11 November 1999 lockdowns are dismissed without prejudice.

12 Dated: May 2, 2006

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14 /s/ Garland E. Burrell, Jr.
15 GARLAND E. BURRELL, JR.
16 United States District Judge
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