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

DANNY JAMES COHEA,

Plaintiff,

No. CIV S-00-2799 FCD EFB P

vs.

CHERYL K. PLILER, Warden, 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 13, 2009, the magistrate judge filed 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 31, 2009, this court adopted the findings and recommendations.


However, on March 30, 2009, plaintiff filed objections to the findings and recommendations which were not docketed by the Clerk prior to issuance of the March 31 order. Accordingly, the March 31, 2009 order adopting the findings and recommendations is vacated.

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1 Nonetheless, after reviewing the file and plaintiff's objections, the court again
2 finds the findings and recommendations to be supported by the record and by the magistrate
3 judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed March 13, 2009, are adopted in full;
- 5 2. Defendants' December 20, 2007 motion to dismiss the claims against
6 defendants Flory, Hill, Kelly, Rosario, Saunders, Scogin, Sims and White, is GRANTED;
- 7 3. Plaintiff's January 14, 2008 motion for reconsideration, filed with his brief in
8 opposition to the motion to dismiss, is DENIED;
- 9 4. Plaintiff's December 28, 2007 motion for a temporary restraining order is
10 DENIED; and
- 11 5. Plaintiff's February 11, 2008 and February 25, 2008 requests are DENIED.

12 DATED: April 6, 2009.

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15 FRANK C. DAMRELL, JR.
16 UNITED STATES DISTRICT JUDGE
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