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

HUGH L. STEWART,

Plaintiff,

No. CIV S-03-0469 FCD KJM P

vs.

BAXTER DUNN, et al.,

ORDER

Defendants.

\_\_\_\_\_ /

Plaintiff, a civil detainee 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 3, 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 twenty days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed March 3, 2009, are adopted in full.

2. Defendants' motion for summary judgment is granted and denied as follows:


A. Denied with respect to defendants' motion regarding plaintiff's claims against defendant Franks;

B. Granted with respect to plaintiff's claims against defendant Dunn, resulting in defendant Dunn being dismissed from this action; and

C. Granted with respect to plaintiff's claims against defendant Acayan, resulting in defendant Acayan being dismissed from this action.

3. Plaintiff is ordered to file his pretrial statement within twenty days, and defendant Franks is ordered to file his pretrial statement within twenty days of service of plaintiff's statement.

DATED: April 2, 2009.

  
FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE