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

PAUL MAGNAN,

Plaintiff,

No. CIV S-03-1099 GEB KJM P

vs.

DAVID RUNNELS, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a former California prisoner proceeding with counsel, 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 September 22, 2010, 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. No 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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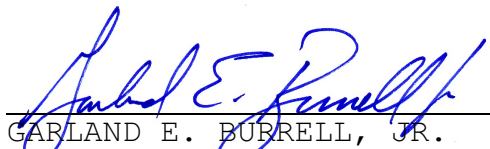
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1. The findings and recommendations filed September 22, 2010, are adopted in full; and

2. The motion for summary judgment brought by defendant Evans (Docket No. 153) is denied as to plaintiff's first cause of action and granted in all other respects.

3. Plaintiff shall file his pretrial statement within twenty-one days. Defendant Evans shall file his pretrial statement within fourteen days of service of plaintiff's.

Dated: November 2, 2010



GARLAND E. BURRELL, JR.
United States District Judge