IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DEMIAN TREVOR O'KEEFE,

Plaintiff, CIV-S-04-1695 WBS GGH PS

vs.

EDWARD S. ALAMEIDA, et al.,

Defendants. ORDER

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On January 14, 2010, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within twenty-one days. No objections were filed.

Accordingly, the court presumes any findings of fact are correct. See Orland v. United States, 602 F.2d 207, 208 (9th Cir. 1999). The magistrate judge's conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983).

The court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the Findings and Recommendations in full.

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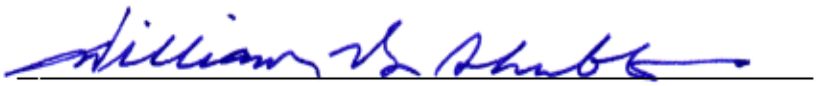
Accordingly, IT IS ORDERED that:

1. The Findings and Recommendations filed January 14, 2010, are ADOPTED; and

2. Defendant's motion for summary judgment (docket no. 57) is denied.

DATED: February 26, 2010



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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