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

WILLIE BAILEY, III,

Plaintiff,

No. CIV S-04-2067 GEB EFB P

vs.

J. WEDELL, et al.,

Defendant.

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 Rule 302.

On August 30, 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. On September 30, 2010, this court adopted the findings and recommendations and judgment was entered for defendants.

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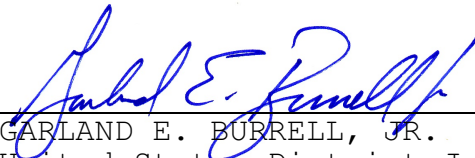
1                   However, on September 29, 2010, plaintiff timely mailed objections to the  
2 findings and recommendations. The objections were received and docketed by the Clerk on  
3 October 1, 2010. Accordingly, the September 30, 2010 order adopting the findings and  
4 recommendations is vacated.

5                   In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule  
6 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire  
7 file, the court again finds the findings and recommendations to be supported by the record and by  
8 proper analysis.

9                   Accordingly, IT IS HEREBY ORDERED that:

- 10                   1. The findings and recommendations filed August 30, 2010, are adopted in full;
- 11                   2. Defendants' September 14, 2009 motion for summary judgment is granted; and
- 12                   3. The Clerk is directed to close this case.

13 Dated: October 7, 2010

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GARLAND E. BURRELL, JR.  
United States District Judge