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

EDGAR BERNABE,

No. CIV S-05-2522 LKK CMK P

Plaintiff,

vs.

ORDER

TERESA A. SCHWARTZ, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On December 29, 2009, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. No objections to the findings and recommendations have been filed.

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.


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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed December 29, 2009, are adopted in full;
2. Plaintiff's motion for summary judgment (Doc. 67) is denied.

DATED: February 19, 2009.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT