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

GEORGE LEE,

Plaintiff,

No. CIV S-06-0813 FCD KJM P

vs.

THOMAS CAREY, et al.,

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 General Order No. 262.

On February 19, 2009, the magistrate judge filed findings and recommendations herein which were served on all parties. 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:


1. The findings and recommendations filed February 19, 2009, are adopted in full;

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- 2. Defendant's motion for summary judgment (#33) is denied without prejudice;
- 3. Plaintiff shall file an opposition to defendants' March 24, 2009 motion for summary judgment within thirty days; and
- 4. Plaintiff's motion for leave to file an amended complaint is denied.

Dated: April 2, 2009.


FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE