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

MARK A. HERNANDEZ,

Plaintiff,

2:06-cv-1251-GEB-DAD-P

vs.

VUONG M. DUC, et al.,

Defendants.

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 November 28, 2007, 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 twenty days. On December 19, 2007, plaintiff was granted an additional thirty days to file objections. The time period has expired and neither party has filed objections to the findings and recommendations.

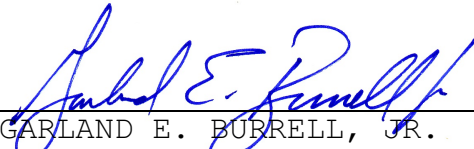
The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed November 28, 2007, are adopted in full; and

2. Defendant Allen's April 13, 2007 motion for summary judgment is granted and this action is dismissed.

Dated: February 5, 2008

  
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GARLAND E. BURRELL, JR.  
United States District Judge