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

DWAYNE SWEARINGTON,

Plaintiff,

No. CIV S-06-1407 GEB KJM P

vs.

DR. WEDELL, et al.,

Defendants.

ORDER

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Plaintiff, a California 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 11, 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 twenty-one days. Plaintiff has filed objections to the findings and recommendations.

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

1                   Accordingly, IT IS HEREBY ORDERED that:

2                   1. The findings and recommendations filed August 11, 2010, are adopted in full;

3                   2. The motion for summary judgment filed by defendants Duc, Wedell and Duru  
4 (Docket No. 55) is granted in part and denied in part as follows:

5                   A. Denied with respect to plaintiff's claim arising out of his visit with Dr.  
6 Duc on March 23, 2004;

7                   B. Denied with respect to plaintiff's claim arising out of his visit with Dr.  
8 Duru on December 31, 2004; and

9                   C. Granted in all other respects thereby resulting in defendant Wedell  
10 being dismissed from this action.

11 Dated: September 24, 2010

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                    GARLAND E. BURRELL, JR.  
                    United States District Judge