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

EDDIE FRIAS,

Plaintiff,

No. CIV S-06-1867 MCE KJM P

vs.

G. MARSHALL, 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 July 29, 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. 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 1. Defendant Marshall's motion for summary judgment (docket #35) is granted in
2 part and denied in part as follows;

3 A. Denied with respect to plaintiff's claim that defendant Marshall denied
4 plaintiff his right to be heard with respect to the allegation that he is an
5 associate of a prison gang before he was transferred to segregated housing
6 for and indefinite term for being a gang associate; and

7 B. Granted in all other respects.

8 2. Defendant Marshall shall file his pretrial statement within twenty days.

9 Dated: September 3, 2010

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12 MORRISON C. ENGLAND, JR.
13 UNITED STATES DISTRICT JUDGE
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