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

10 MALIK JONES,

11 Plaintiff,

No. CIV S-06-2732 KJM CMK P

12 vs.

13 C. STIEFERMAN, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff, with counsel, has filed this civil rights action seeking relief under
17 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by
18 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

19 On February 28, 2011, the magistrate judge filed findings and recommendations,
20 which were served on all parties and which contained notice to all parties that any objections to
21 the findings and recommendations were to be filed within twenty-one days. Plaintiff has filed
22 objections to the findings and recommendations and has submitted additional materials,
23 including counsel's declaration, which were not before the magistrate judge. Although this court
24 has the discretion to ignore these additional materials, it has considered them in conducting its *de*
25 *novo* review of the findings and recommendations in accordance with the provisions of 28
26 U.S.C. § 636(b)(1)(C) and Local Rule 304.

Having carefully reviewed the file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed February 28, 2011, are adopted in full;

2. The motions to dismiss filed by defendants Goldman and Sherven (ECF Nos. 104, 107) are granted;


3. Defendants Goldman and Sherven are dismissed from this action with prejudice;

4. The remaining defendants are dismissed from this action, without prejudice, for plaintiff's failure to serve them in a timely fashion;

5. The Clerk of the Court is directed to enter judgment; and

6. This case is CLOSED.

DATED: July 18, 2011.


UNITED STATES DISTRICT JUDGE