

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

TERRENCE BROWNLEE,

No. CIV S-07-0658-JAM-CMK-P

Plaintiff,

vs.

ORDER

TESS D. POLING, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On October 7, 2008, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. Timely objections to the findings and recommendations have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, 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

1 proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed October 7, 2008, are adopted in
4 full;

5 2. Defendants Dangler, Jackson, Runnels, Keating, McDonald, Gentry,
6 Kramer and Palmer are dismissed from this action for failure to state a claim; and

7 3. This action will proceed against defendant Poling only.

8 DATED: January 8, 2009

9

10

11

12

/s/ John A. Mendez

13

UNITED STATES DISTRICT JUDGE

14

15

16

17

18

19

20

21

22

23

24

25

26