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

CLIFTON JEROME MCDANIEL,

Plaintiff,

No. CIV S-07-1189 JAM JFM (PC)

vs.

S. HUBBARD, 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 Rule 302.

On August 13, 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 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. The findings and recommendations filed August 13, 2010, are adopted in full;

2. Defendants' November 9, 2009 motion for judgment on the pleadings is granted in part and denied in part:

a. Plaintiff's cover-up claim against defendants Swan, Cueva and Hall is dismissed without prejudice; and

b. Plaintiff's failure to investigate claim against defendant Hall is dismissed with prejudice.

DATED: September 22, 2010.

/s/ John A. Mendez
UNITED STATES DISTRICT JUDGE