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

PAUL STAFFIERO,

No. 2:07-cv-01464-MCE-DAD P

Plaintiff,

vs.

ORDER

CALIFORNIA SUBSTANCE ABUSE
TREATMENT FACILITY, et al.,

Defendants.

_____/

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 January 5, 2009, 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. Plaintiff has filed objections to the findings and recommendations.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304,
2 this court has conducted a de novo review of this case. Having carefully reviewed the entire file,
3 the court finds the findings and recommendations to be supported by the record and by proper
4 analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

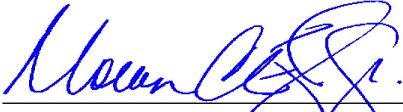
6 1. The findings and recommendations filed January 5, 2009, are adopted in full; and
7 2. Defendant's April 23, 2008 motion to dismiss (Doc. No. 20) is granted in part and
8 denied in part as follows:

9 a. Defendant's motion to dismiss plaintiff's complaint for failure to exhaust
10 administrative remedies prior to filing suit is denied;

11 b. Defendant's motion to dismiss plaintiff's complaint to the extent that it seeks
12 monetary damages from defendant Beregovskaya in her official capacity is granted; and

13 c. Defendant's motion to dismiss plaintiff's complaint to the extent that it seeks
14 injunctive relief is denied.

15 Dated: February 2, 2009

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18 MORRISON C. ENGLAND, JR.
19 UNITED STATES DISTRICT JUDGE
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