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

GEORGE I. JOHNSON,

No. 2:07-cv-01826-MCE-KJM-P

Plaintiff,

v.

ORDER

D.K. SISTO, 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 September 2, 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. Both parties have filed objections to the findings and recommendations; both have provided additional material with their objections, which the court has considered. Espinoza-Matthews v. California, 432 F.3d 1021, 1026 n. 5 (9th Cir. 2005).

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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 including the new materials, the court finds the findings and recommendations to be supported by
4 the record and by proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed September 2, 2009 are adopted in full;
- 7 2. Plaintiff's cross-motion for summary judgment (Docket No. 42) is denied;
- 8 3. Defendants' motion for summary judgment (Docket No. 32) is granted as to:

9 A. Defendants Hunter (Calvo), Ward, Brown and Sisto insofar as the
10 complaint alleges denial of a religious diet;


11 B. Defendants Hunter (Calvo), Warde, Brown, Sisto and Cruz to the extent
12 plaintiff alleges he does not receive a vegan diet; and

- 13 4. Defendants' motion for summary judgment (Docket No. 32) is denied as to:

14 A. Defendant Cruz, insofar as the complaint alleges he denied plaintiff a religious
15 meal on October 11, 2006; and

16 B. Defendants' request that the claim for punitive damages be stricken.

17 Dated: November 18, 2009

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20 MORRISON C. ENGLAND, JR.
21 UNITED STATES DISTRICT JUDGE
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