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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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DAVID B. JOHNSON,)	2:07-CV-02002-PMP-GWF
Plaintiff,)	
vs.)	<u>ORDER</u>
R.J. SUBIA, et al.,)	
Defendants.)	

Before the Court for consideration is Defendants R.L. Heise, Jr., and C. Campbell's Motion to Dismiss (Doc. #41), filed on November 24, 2009. On September 22, 2010, the Honorable George Foley, Jr., United States Magistrate Judge, entered a Report of Findings and Recommendations (Doc. #45) recommending that Defendants R.L. Heise, Jr., and C. Campbell's Motion to Dismiss (Doc. #41) should be granted in part and denied in part. On October 11, 2010, Defendants filed their Objections (Doc. #48).

The Court has conducted a de novo review of the record in this case in accordance with 28 U.S.C. § 636(b)(1) and determines that Magistrate Judge Foley's Report of Findings and Recommendation should be Affirmed.

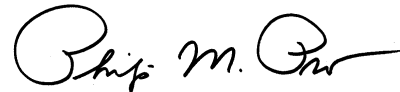
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1 **IT IS THEREFORE ORDERED** that Magistrate Judge Foley’s Report
2 of Findings and Recommendation (Doc. #45) is **Affirmed**.

3 **IT IS FURTHER ORDERED** that Defendants’ Motion to Dismiss (Doc.
4 #41) the retaliation claim against Defendant Campbell based on allegations that
5 Campbell prevented Plaintiff from filing an administrative grievance be **GRANTED**.

6 **IT IS FURTHER ORDERED** that the Motion to Dismiss (Doc. #41)
7 claim against Defendant Heise based on allegations that Heise destroyed Plaintiff’s
8 grievance is **DENIED**.

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10 DATED: November 3, 2010.

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PHILIP M. PRO
14 United States District Judge
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