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

ROBERT DUANE FRANKLIN,

Plaintiff,

No. CIV S-07-2259 FCD EFB P

vs.

G. DUDLEY,

Defendant.

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 General Order No. 262.

On September 22, 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 fourteen 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:

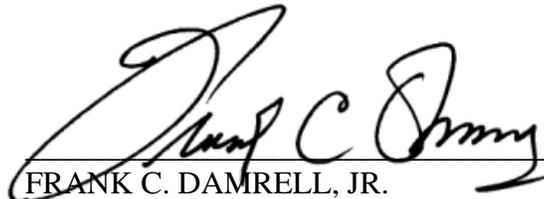
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1 1. The findings and recommendations filed September 22, 2009, are adopted in
2 full;

3 2. Defendant's motion to dismiss is denied as to plaintiff's damages claim and
4 granted as to plaintiff's injunctive relief claim; and,

5 3. Defendant is directed to file an answer within fourteen¹ days.

6 DATED: December 14, 2009.

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9 FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE

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¹ See Fed. R. Civ. P. 12(a)(4)(A), effective December 1, 2009.