


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

4 **IT IS THEREFORE ORDERED** that Magistrate Judge Foley's Report
5 of Findings and Recommendation (Doc. #59) is **Affirmed**.

6 **IT IS FURTHER ORDERED** that Plaintiff Al Gene Fisher's First
7 Amended Complaint (Doc. #13) against Defendants Wong, Jackson, Grannis, Roche,
8 Felker, Amero, Smith, Richardson and Chrones is **DISMISSED** with prejudice for
9 failure to state a claim upon which relief may be granted.

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11 DATED: January 19, 2011.

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14 PHILIP M. PRO
15 United States District Judge
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