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

STEWART MANAGO,

Plaintiff,

No. 2:07-cv-2290 LKK KJN P

vs.

BRAD WILLIAMS, et al.,

Defendants.

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 Rule 302.

On May 14, 2010, 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-one days. Plaintiff has filed objections to the findings and recommendations.

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

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed May 14, 2010, are adopted in full;

3 2. Defendant Brockett's motion to dismiss plaintiff's first cause of action (Dkt.
4 No. 53) is denied;

5 3. The motion of all defendants to dismiss plaintiff's amended complaint for
6 failure to exhaust administrative remedies (Dkt. No. 35) is denied in part and granted in
7 part;

8 4. The following defendants are dismissed from this action without
9 prejudice: Knowles, Stiles, Laffitte and Stabbe; and

10 5. Service of process is appropriate upon defendant Kennedy; therefore:

11 A. The Clerk of the Court shall send plaintiff one USM-285 form, one summons,
12 an instruction sheet and a copy of the amended complaint filed November 26, 2008 (Dkt. No.
13 20);

14 B. Within 14 days from the date of this order, plaintiff shall complete the
15 attached Notice of Submission of Documents and submit the following documents to the court:

16 a. The completed Notice of Submission of Documents;

17 b. One completed summons;

18 c. One completed USM-285 form for defendant Kennedy; and

19 d. Two copies of the endorsed amended complaint filed November
20 26, 2008 (Dkt. No. 20);

21 C. Plaintiff need not attempt service on defendant and need not request waiver of
22 service. Upon receipt of the above-described documents, the court will direct the United States

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1 Marshal to serve defendant Kennedy pursuant to Federal Rule of Civil Procedure 4 without
2 payment of costs.

3 DATED: July 2, 2010.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT