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

STEVEN FRYMAN,

Plaintiff,

No. CIV S-07-2636 JAM DAD P

vs.

A. TRAQUINA, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a state prisoner proceeding through counsel, 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 December 23, 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-one 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. The findings and recommendations filed December 23, 2009, are adopted in full;

2. Defendants' June 10, 2009 amended motion for summary judgment (Doc. No. 35) is denied.

DATED: February 18, 2010

/s/ John A. Mendez
UNITED STATES DISTRICT JUDGE