

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

EDWIN GOLDEN,

Plaintiff,

2:08-cv-0356-GEB-DAD-P

vs.

S. FEUDNER, 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 General Order No. 262.

On December 11, 2008, 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 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:

1           1. The findings and recommendations filed December 11, 2008, are adopted in  
2 full;

3           2. Defendants' May 19, 2008 motion to dismiss (Doc. No. 12) is granted in part  
4 and denied in part as follows:

5           a. Defendants' motion to dismiss defendant Sisto from this action is granted;

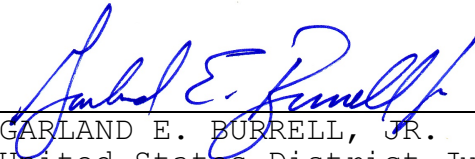
6           b. Defendants' motion to dismiss plaintiff's retaliation claim is denied;

7           c. Defendants' motion to dismiss plaintiff's due process claim is granted;

8           3. Defendant Feudner is directed to file an answer in accordance with the Federal  
9 Rules of Civil Procedure; and

10          4. Plaintiff's October 2, 2008 request for a preliminary injunction (Doc. No. 18)  
11 is denied.

12 Dated: January 23, 2009

13  
14   
15 \_\_\_\_\_  
GARLAND E. BURRELL, JR.  
United States District Judge