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

STEVE MARTINEZ,

No. CIV S-08-674-LKK-CMK-P

Plaintiff,

vs.

ORDER

JOHN ZIOMEK, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On November 21, 2008, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. No objections to the findings and recommendations have been filed.

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.

///

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations filed November 21, 2008, are adopted  
3 in full;  
4 2. Plaintiff's complaint fails to state a claim against defendants Todd and  
5 Martel;  
6 3. Defendants Todd and Martel are hereby dismissed from this action; and  
7 4. This matter proceeds against defendants Ziomek, Williams, Smith and  
8 Hashimoto.

9 DATED: February 10, 2009.

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13 LAWRENCE K. KARLTON  
14 SENIOR JUDGE  
15 UNITED STATES DISTRICT COURT  
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