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

10 FRED WAYNE GILBERT,

11 Plaintiff,

No. CIV S-08-1117 JAM GGH P

12 vs.

13 JOHN McGUINNESS, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action
17 seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate
18 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

19 On October 6, 2008, the magistrate judge filed findings and recommendations
20 herein which were served on plaintiff and which contained notice to plaintiff that any objections
21 to the findings and recommendations were to be filed within twenty days. Plaintiff has filed
22 objections to the findings and recommendations.

23 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-
24 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
25 file, the court finds the findings and recommendations to be supported by the record and by
26 proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 6, 2008, are adopted in full;

and

2. This action is dismissed.

DATED: January 14, 2009

/s/ John A. Mendez
UNITED STATES DISTRICT JUDGE

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