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

ROBERT MITCHELL, et al.,

Plaintiffs,

No. 2:08-cv-1196 JAM EFB P

vs.

T. FELKER, et al.,

Defendants.

ORDER

_____ /

Plaintiffs, state prisoners proceeding through counsel, have 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 June 28, 2012, 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 fourteen days from the date the findings and recommendations were served. Defendants have filed objections to the findings and recommendations and plaintiffs have filed a response.

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

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1 file, the court finds the findings and recommendations to be supported by the record and by
2 proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed June 28, 2012, are adopted in
5 full; and

6 2. Defendants' motion to dismiss (Dckt. No. 92) is denied in all respects
7 except that:

8 a. Plaintiff Mitchell's Eighth and Fourteenth Amendment
9 claims based on lockdowns that occurred before September
10 12, 2006 are dismissed as unexhausted, and

11 b. Plaintiff Mitchell's state law damages claims are limited to
12 the period from February 28, 2007 through December 5,
13 2007.

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15 DATED: July 27, 2012

16 /s/ John A. Mendez
17 UNITED STATES DISTRICT COURT JUDGE
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