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

KENNETH E. BAPTISTE,

Plaintiff,

No. 2:08-cv-1420 KJM CKD P

VS.

13 G. DUNN, et al.,

Defendants. ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 29, 2013, the magistrate judge filed findings and recommendations, 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. Plaintiff has filed objections to the findings and recommendations.

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

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Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed January 29, 2013, are adopted in full;
- 2. Defendants' motion to dismiss (Dkt. No. 59) is GRANTED in part, as to
- (1) defendant Christe and (2) the injunctive relief claim against Christe and Hopson; and DENIED in part, as to the damages claim against Hopson; and
- 3. Defendants' motion to dismiss (Dkt. No. 69) is GRANTED in part, as to (1) defendants Acquaviva, Dunn, and Callegari, including as to injunctive relief, (2) the damages claims against Felker, and Leo, and (3) the damages claims against defendants in their official capacities; and DENIED in part, as to (1) the damages claim against defendant Simpson, and (2) the injunctive relief claim against defendants Felker and Leo in their official capacity.

DATED: March 30, 2013.

UNITED STATES DISTRICT JUDGE