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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION**

\* \* \*

EDWARD MOTLEY,	)	
	)	
Plaintiff(s),	)	2:08-CV-01423-RLH-VPC
	)	
vs.	)	<b>ORDER</b>
	)	
J. SMITH, <i>et al.</i> ,	)	
	)	
Defendant(s).	)	

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Before this Court is the Report and Recommendation of United States Magistrate Judge (#15, filed July 30, 2009), entered by the Honorable Valerie P. Cooke regarding the screening of Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(a). Objections (#19, filed September 28, 2009) were filed to Magistrate Judge Cooke's Report and Recommendation of United States Magistrate Judge in accordance with Local Rule 72-304(b) of the Rules of Practice of the United States District Court for the Eastern District of California, and the matter was submitted for consideration.

The court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. §636(b)(1)(B) and (C), and Local Rules 72-303 and -304, and determines that the Report and Recommendation of Magistrate Judge Cooke are not clearly erroneous nor contrary to law, and should be accepted and adopted.

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1                   IT IS THEREFORE ORDERED that Magistrate Judge's Report and Recommenda-  
2 tion (#15, entered July 30, 2009) is ACCEPTED and ADOPTED and Plaintiff's claims are  
3 permitted to proceed, or dismissed, as stated therein.

4                   Dated: October 26, 2009.

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7                   ROGER L. HUNT  
8                   Chief U.S. District Judge  
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