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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.)	ORDER
)	
J. SMITH, <i>et al.</i> ,)	
)	
Defendant(s).)	

Before this Court is the Report and Recommendation of United States Magistrate Judge (#44, filed July 19, 2010), entered by the Honorable Valerie P. Cooke, amending or correcting a previous Report and Recommendation (#15), which the District Judge adopted (#20). No objection was filed to Magistrate Judge Cooke’s second Report and Recommendation of United States Magistrate Judge in accordance with Local Rule IB 3-2 of the Rules of Practice of the United States District Court for the District of Nevada, and the matter was submitted for consideration.

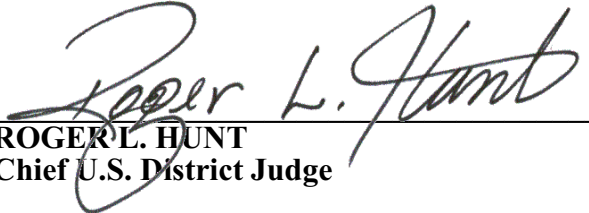
The Court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Report and Recommendation of Magistrate Judge (#44) should be accepted and adopted.

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IT IS THEREFORE ORDERED that Magistrate Judge's Report and Recommendation (#44, entered July 19, 2010) is ACCEPTED and ADOPTED, and Magistrate Judge Cooke's prior Report and Recommendation (#20) is amended as recommended.

Dated: August 10, 2010.


ROGER L. HUNT
Chief U.S. District Judge