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

JAMES OLIVER,

Plaintiff,

No. 2:08-cv-2524 LKK GGH P

vs.

SCOTT CHESSER,

Defendant.

ORDER

_____ /

Plaintiff, a state prisoner proceeding pro se, has 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 August 10, 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. On September 13, 2012, the court additionally granted plaintiff’s motion for an extension of time to file an objection. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed August 10, 2012, are adopted in full;
2. Plaintiff's motion for summary judgment (Doc. No. 48) is denied;
3. Defendant's motion for judgment on the pleadings (Doc. No. 47) is granted in part and denied in part, leaving only plaintiff's retaliation claim at issue; and
4. The court shall set a further schedule for trial on the remaining issues.

DATED: September 27, 2012.


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT