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

BERLAN LYNELL DICEY,

Plaintiff,

No. 2:08-cv-2608-JAM-JFM (PC)

vs.

W. R. HARRISON, et al.,

Defendants.

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 May 19, 2008, 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. 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 May 19, 2010, are adopted in full;
2. Defendants' September 1, 2009 motion to dismiss is denied; and
3. Defendants shall answer the amended complaint within ten days from the date of any order by the district court adopting these findings and recommendations.

DATED: June 17, 2010

/s/ John A. Mendez

U. S. DISTRICT COURT JUDGE