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

MARVIN GLENN HOLLIS,

Plaintiff,

No. 2:08-cv-2674 GEB KJN P

vs.

PHILLIP SLOAN, 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 July 28, 2010, 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 twenty-one days. Neither party has filed objections to the findings and recommendations.

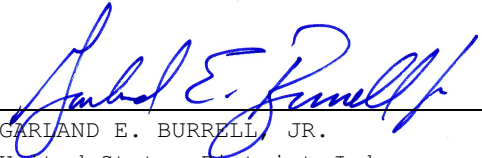
The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations filed July 28, 2010 (Dkt. No. 47) are
3 adopted in full;
- 4 2. Defendants' September 23, 2009 motion to dismiss (Dkt. No. 37) is partially
5 granted;
- 6 3. Defendants' motion to dismiss plaintiff's Eighth Amendment claims for
7 injunctive relief, and request to appoint a receiver, is granted;
- 8 4. Defendants' motion to dismiss plaintiff's Eighth Amendment claims for
9 damages is denied;
- 10 5. Defendants' motion to dismiss defendants Cummings and Acquaviva is
11 denied;
- 12 6. Plaintiff's claim for injunctive relief against defendants at High Desert State
13 Prison, based on his retaliation claims, is denied; and
- 14 7. This action shall proceed on plaintiff's Eighth Amendment claims for
15 damages, including his claim for damages based on the alleged breach of mental health
16 confidentiality, and plaintiff's retaliation claims, as set forth in the July 28, 2010 findings and
17 recommendations.

18 Dated: September 30, 2010

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21 GARLAND E. BURRELL, JR.
22 United States District Judge
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