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- 1. The findings and recommendations filed August 10, 2010, are adopted in full;
- 2. Defendants' motion to dismiss (Dkt. No. 16) plaintiff's amended complaint is denied;
- 3. Plaintiff's motion to filed a Second Amended Complaint (Dkt. No. 22) is granted in part; however, his proposed amended complaint attached thereto is disregarded; and
- 4. Plaintiff may, within thirty days after service of this order, file a Second Amended Complaint that conforms to the standards set forth in the court's order filed December 11, 2008 (Dkt. No. 4); should plaintiff fail to timely file such Second Amended Complaint, the currently operative amended complaint (Dkt. No. 7) shall remain in effect.

Dated: September 13, 2010

MORRISON C. ENGLAND) JR. UNITED STATES DISTRICT JUDGE