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

MARVIN GLENN HOLLIS,

Plaintiff,

No. 2:08-cv-2810 GEB KJN P

vs.

ROBIN DEZEMBER, 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 October 19, 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. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed October 19, 2010, are adopted in full;

3 2. Defendants' March 17, 2010 motion to dismiss (Dkt. No. 60) is granted in part

4 and denied in part as follows:

5 a. Defendants concede plaintiff has exhausted his claims based on
6 grievance HDSP-07-03973; Defendants Koller, Plainer, Ingrewson and Audette are directed to
7 file a responsive pleading to these claims;

8 b. By grievance HDSP-C-08-1853, plaintiff has exhausted his claim that
9 defendants Prater, Shaver and Koenig intentionally interfered with his prescribed medical
10 treatment by denying his prescribed pillow and mattress from June 2008, through August 11,
11 2008. Defendants Prater, Shaver, and Koenig are required to file a responsive pleading to
12 this claim.

13 c. Defendants' motion to dismiss plaintiff's remaining claims as
14 unexhausted are granted. Because these remaining claims are unexhausted, defendants Speers,
15 Wrigley, Flaherty, Pena, Medina, Zollo, Clark, Cheney, Nason, Waterman, Swingle, Acquaviva
16 and Dezember are dismissed from this action.

17 3. Defendants' March 17, 2010 motion to dismiss defendant Audette is denied.

18 4. Defendants Koller, Plainer, Ingrewson, Audette, Prater, Shaver, and Koenig
19 shall file a responsive pleading within twenty-one days from the date on which this order is filed.

20 Dated: December 10, 2010

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24 GARLAND E. BURRELL, JR.
25 United States District Judge
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