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

MICHAEL ANTHONY BILLINGSLEY,

Plaintiff,

No. CIV S-08-3048 KJM CKD P

vs.

KADAVARI, et al.,

Defendants.

ORDER

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Plaintiff, a former 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 as provided by 28 U.S.C. § 636(b)(1)(B) and this court’s Local Rules.

On June 3, 2011, the magistrate judge filed findings and recommendations, 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 presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir.

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1 1983). Having carefully reviewed the file, the court finds the findings and recommendations to  
2 be supported by the record and by the proper analysis.


3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed June 3, 2011, are adopted, except that  
5 plaintiff shall appear in person at the final pretrial conference on September 7, 2011 at  
6 11:00 a.m.;

7 2. The motion for summary judgment (Docket No. 29) is denied; and

8 3. Trial of this case is set for November 7, 2011, at 9:00 a.m. before District  
9 Judge Kimberly J. Mueller, Courtroom No. 3.

10 DATED: August 24, 2011.

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14 UNITED STATES DISTRICT JUDGE  
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