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

ROBERT TUNSTALL,

Plaintiff,

No. 2:08-cv-3176 WBS JFM (PC)

vs.

MIKE KNOWLES, 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 August 6, 2010, the magistrate judge filed findings and recommendations (Docket No. 91) 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. 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 August 6, 2010 (Docket No. 91), are
3 adopted in full;

4 2. Defendants' January 8, 2010 motion to dismiss is granted in part and denied in
5 part;

6 3. Plaintiff's request for prospective injunctive relief on his claims under the
7 Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. (ADA) and Section 504 of the
8 Rehabilitation Act, 29 U.S.C. § 794 (RA) is dismissed without prejudice to his right to seek relief
9 as a member of the class in Armstrong v. Davis; and

10 4. Defendants are directed to file an answer to plaintiff's claims under the ADA,
11 the RA, and the equal protection clause within ten days from the date of this order.

12 DATED: September 3, 2010

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14 WILLIAM B. SHUBB
15 UNITED STATES DISTRICT JUDGE
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