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

GUY T. STRINGHAM,

No. 2:09-cv-00286 MCE DAD P

Plaintiff,

vs.

ORDER

J. BICK, et al.,

Defendants.

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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 November 29, 2011, 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. Defendants have filed objections to the findings and recommendations.

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

5 Accordingly, IT IS HEREBY ORDERED that:


6 1. The findings and recommendations filed November 29, 2011 (ECF No. 49), are  
7 ADOPTED in full;

8 2. Defendants' motion to strike pursuant to Rule 12(f) (ECF No. 44) is DENIED;

9 3. Defendants' motion to dismiss pursuant to Rule 12(b)(6) (ECF No. 44) is GRANTED  
10 in part; and

11 4. Plaintiff is granted thirty days from the date this order is electronically filed in which to  
12 file a second amended complaint clarifying whether he is bringing this action against the  
13 individual defendants in their official capacity, against CDCR and CMF, or against both.

14 Dated: February 7, 2012

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17 MORRISON C. ENGLAND, JR.  
18 UNITED STATES DISTRICT JUDGE  
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