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

THEODORE GABALES,

Plaintiff,

CIV-S-09-0373 MCE GGH PS

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

ORDER

_____ /

On May 15, 2009, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within ten days. No objections were filed.

On June 24, 2009, Magistrate Judge Hollows vacated the findings and recommendations as to non-moving defendants State of California EDD, Bunnell and Sanford. The findings and recommendations were not affected as to defendant Stephens.

Accordingly, the court presumes any findings of fact are correct. See Orland v. United States, 602 F.2d 207, 208 (9th Cir. 1999). 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. 1983).


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1 The court has reviewed the applicable legal standards and, good cause appearing,
2 concludes that it is appropriate to adopt the Findings and Recommendations with regard to
3 defendant Stephens.

4 Accordingly, IT IS ORDERED that:

5 1. The Findings and Recommendations filed May 15, 2009, are ADOPTED with
6 regard to defendant Stephens, and defendant Stephens is dismissed from this action.

7 Dated: July 15, 2009

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10 MORRISON C. ENGLAND, JR.
11 UNITED STATES DISTRICT JUDGE
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