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

KEVIN BARTHOLOMEW,

No. CIV S-09-0882-JAM-CMK-P

Plaintiff,

vs.

ORDER

D.K. SISTO, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On April 27, 2010, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. No objections to the findings and recommendations have been filed.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the Magistrate Judge's analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed April 27, 2010, are adopted in full;
2. Defendants Sisto, Elisara and La are dismissed form this action; and
3. This action will proceed as against the remaining defendants.

DATED: June 17, 2010

/s/ John A. Mendez

U. S. DISTRICT COURT JUDGE