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

CHARLES CHATMAN,

Plaintiff,

No. CIV S-09-1028 JAM CKD P

vs.

TOM FELKER, et al.,

Defendants.

ORDER

_____ /

Plaintiff, a California 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 September 12, 2011 and December 16, 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. 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 September 12, 2011 and December
3 16, 2011 are adopted;

4 2. Defendants' motion to dismiss (Docket No. 29) is granted in part and denied in
5 part as follows:

6 A. Granted with respect to:

- 7 i. Plaintiff's "Count Eleven" in his complaint;
8 ii. Plaintiff's First Amendment claims against defendant Uribe;
9 iii. Plaintiff's First Amendment claims against defendants Shaver,
10 Griffith and Peddicord resulting in their being dismissed from this
11 action; and
12 iv. Plaintiff's First Amendment claims against defendants
13 Craddock and Probst concerning events occurring June 7, 2007
14 resulting in defendant Craddock being dismissed from this action.

15 B. Denied with respect to:

- 16 i. Plaintiff's Eighth Amendment claim against defendant Uribe;
17 and
18 ii. Plaintiff's First Amendment claim against defendant Harper.

19 DATED: March 27, 2012

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21 /s/ John A. Mendez
22 UNITED STATES DISTRICT COURT JUDGE
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