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

RUSSELL BERNARDINI,

Plaintiff,

CIV-S-09-1134 FCD GGH PS

vs.

JAMES WALKER, et al.,

Defendants.

ORDER

_____ /

On November 16, 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 twenty days. No objections were filed.

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).

The court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the Findings and Recommendations in full.

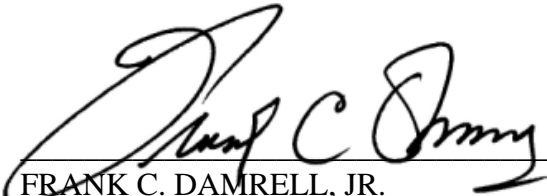
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1 Accordingly, IT IS ORDERED that:

- 2 1. The Findings and Recommendations filed November 16, 2009, are
3 ADOPTED; and
4 2. Defendants Cate, Schwarzenegger, and Walker are dismissed from this action
5 without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

6 DATED: February 2, 2010.

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10 FRANK C. DAMRELL, JR.
11 UNITED STATES DISTRICT JUDGE
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