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

RONALD E. WALTON,

Plaintiff,

No. CIV S-09-1246 GEB GGH (TEMP) P

vs.

S. HIXSON, et al.,

Defendants.

ORDER

_____ /

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 January 19, 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.

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.

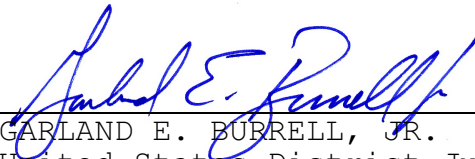
1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed January 19, 2011, are adopted in full;

3 2. Defendants' motion to dismiss (Docket No. 17) is granted insofar as the
4 complaint can be read to allege that defendant Hixson violated plaintiff's rights by telling him to
5 break up his prayers, by making it not possible for plaintiff to engage in morning prayer on one
6 occasion, by mishandling his grievance, by opening his legal mail, by subjecting him to verbal
7 harassment, and by preparing false rules violation reports and to the extent that plaintiff alleges
8 that the RVRS of August 4 and November 27, 2008 were retaliatory; but

9 3. The motion is denied to the extent the complaint can be read to allege that
10 defendant Hixson violated plaintiff's First Amendment rights by undertaking a series of
11 retaliatory acts, except as noted in paragraph one; and that defendants Hixson and Hilsky violated
12 his Eighth Amendment rights.

13 Dated: February 22, 2011

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16 _____
GARLAND E. BURRELL, JR.
United States District Judge