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

WILLIAM THOMAS COATS,

Plaintiff,

No. 2:09-cv-1830 KJM KJN P

vs.

T. KIMURA, et al.,

Defendants.

ORDER

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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 as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 14, 2011, and October 25, 2011, the magistrate judge filed findings and recommendations, which were served on the parties and which contained notice to the parties that any objections to the findings and recommendations were to be filed within fourteen days. While the September 14 findings and recommendations reference a suggestion of death as to plaintiff, it is clear from the context of the findings and recommendations as a whole, and from consulting the docket, that the suggestion of death referenced was filed with respect to Dr. Evans. See ECF 37. Neither party has filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are

1 reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir.  
2 1983). Having carefully reviewed the file, the court finds the findings and recommendations to  
3 be supported by the record and by the proper analysis.

4           1. The findings and recommendations filed September 14, 2011, and October 25,  
5 2011, are adopted in full;

6           2. Defendant Dr. Evans is dismissed from this action.

7           3. Defendant Chambers' September 6, 2011 motion to dismiss (ECF No. 71) is  
8 denied; and

9           4. Defendant Chambers is directed to file an answer within fourteen days of this  
10 order.

11 DATED: December 14, 2011.

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14 UNITED STATES DISTRICT JUDGE

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