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

KENNETH LOPEZ,

Plaintiff,

No. CIV S-09-1928 GEB GGH P

vs.

SUE HUBBARD, et al.,

ORDER

Defendant.

_____ /

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On September 30, 2010, the undersigned issued findings and recommendations (Doc. 71) that defendants' motion for summary judgment (Doc. 54) be granted and this case closed. However, a review of the docket indicates that plaintiff and the remaining defendants in this case, Hill, Hubbard, Arnold and Rodriguez have consented to the jurisdiction of the undersigned. Doc. 35, 43. Therefore, the findings and recommendations are converted into a order, summary judgment is granted.

With respect to defendant Campbell, who has not been served in this action, plaintiff requested on August 23, 2010 (Doc. 67), that Campbell be dismissed. Pursuant to Fed. R. Civ. P. 41(a), Campbell is dismissed.

As no more defendants remain in this action, this case is closed.

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Accordingly, IT IS HEREBY ORDERED that:

1. The court's September 30, 2010, findings and recommendations are converted into an Order and defendants' motion for summary judgment is granted;
2. Defendant Campbell is dismissed from this action;
3. Judgment shall be entered in favor of defendants.

DATED: October 6, 2010

/s/ Gregory G. Hollows

GREGORY G. HOLLOWES
UNITED STATES MAGISTRATE JUDGE

GGH:AB
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