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

GREGORY C. BONTEMPS,

Plaintiff,

No. 2:09-cv-2115 LKK EFB P

vs.

SOTAK, 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 16, 2013, 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 fourteen days from the date the findings and recommendations were served. Defendant Smith 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

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2 file, the court finds the findings and recommendations to be supported by the record and by
3 proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:


5 1. The findings and recommendations filed January 16, 2013 are adopted in full;

6 2. Defendants' motion to revoke plaintiff's in forma pauperis status (Dckt. No.
7 40) is denied;

8 3. Defendant Sotak's motion to dismiss for failure to state a claim (Dckt. No. 50)
9 is denied; and

10 4. Defendants Smith and Sotak are directed to file a responsive pleading in
11 accordance with the requirements set forth in Rule 12 of the Federal Rules of Civil Procedure.

12 DATED: February 19, 2013.

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15 LAWRENCE K. KARLTON
16 SENIOR JUDGE
17 UNITED STATES DISTRICT COURT
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