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

MARC ANTHONY LOWELL ENDSLEY,

Plaintiff,
vs.

No. CIV S-09-2311 WBS GGH P

STEPHEN MAYBERG, 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 November 22, 2010, 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. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

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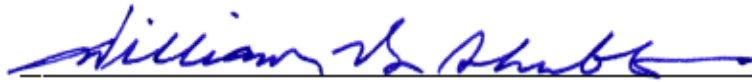
1 1. The findings and recommendations filed November 22, 2010, are adopted in
2 full;

3 2. Defendants' motion to dismiss the first claim for relief, filed on March 22,
4 2010 (docket #12), from the original complaint is granted;

5 3. This action shall proceed on the original complaint, as modified by the
6 dismissal of the claim of due process violation regarding plaintiff's transfer to Atascadero;
7 and

8 4. Defendants are directed to file an answer to the modified original complaint,
9 absent the claim regarding a violation of due process in plaintiff's transfer from Patton to
10 Atascadero, within twenty-eight days of the filed date of this order.

11 DATED: January 18, 2011

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14 WILLIAM B. SHUBB
15 UNITED STATES DISTRICT JUDGE
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