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

JERALD RANDALL,

Plaintiff,

No. 2:09-cv-2765-KJM-KJN-P

vs.

M. D. McDONALD, 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 June 14, 2011, the magistrate judge filed findings and recommendations, 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. 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 reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir.

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1 1983). Having carefully reviewed the file, the court finds the findings and recommendations to  
2 be supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed June 14, 2011, are adopted in full.

5 2. Defendants' motion to dismiss for failure to exhaust administrative remedies  
6 (ECF 20) is denied; defendants shall file an answer to the complaint within twenty-one days of  
7 the date of this order.

8 DATED: September 7, 2011.

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12 UNITED STATES DISTRICT JUDGE  
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