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

RANDY REAL,

Plaintiff,

No. 2:09-cv-3273 GEB KJN P

vs.

JAMES WALKER, Warden, 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 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 2, 2012, 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. Defendants have 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 file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

1                   Accordingly, IT IS HEREBY ORDERED that:

2                   1. The findings and recommendations filed March 2, 2012 are adopted in full;

3                   2. Defendants' motion to dismiss (Dkt. No. 29), is granted in part;

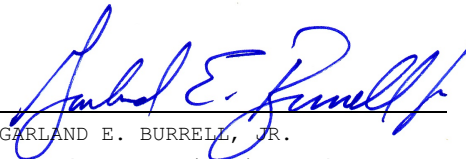
4                   3. Defendants Tilton, Baughman, Hemenway, Sims, Virga, Till, Hill, and Parker  
5 are dismissed from this action;

6                   4. This action shall proceed against defendants Ramos, Stewart, Ventimiglia,  
7 Parilla, Pool, Grannis, Walker, Fisher, Kisser, and Williams;

8                   5. Plaintiff's First Amended Complaint is dismissed, with leave to file  
9 and serve, within thirty days after the adoption of these findings and recommendations, a Second  
10 Amended Complaint limited to the claims and defendants identified herein; and

11                   6. Failure of plaintiff to timely file and serve a Second Amended Complaint  
12 will result in the dismissal of this action.

13 Dated: March 30, 2012

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16 GARLAND E. BURRELL, JR.  
United States District Judge