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

MORRIS MESTER,

Plaintiff,

No. 2:09-cv-3307 KJM KJN P

vs.

MILLER and REED,

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 August 8, 2011, the magistrate judge filed findings and recommendations addressing defendants’ motions to dismiss and for summary judgment, 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.

In addition, on September 7, 2011, the magistrate judge filed findings and recommendations addressing a motion for injunctive relief filed by plaintiff; these findings and recommendations also were served on all parties and notified the parties that any objections were

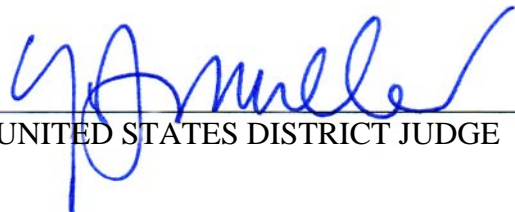
1 to be filed within fourteen days. Neither party has filed objections to these findings and  
2 recommendations.

3 The court thus presumes that any findings of fact are correct. *See Orand v.*  
4 *United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are  
5 reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir.  
6 1983). Having carefully reviewed the file, the court finds both sets of findings and  
7 recommendations to be supported by the record and by the proper analysis.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations filed August 8, 2011, are adopted in full;
- 10 2. Defendant Miller's motion to dismiss (ECF 53) is granted;
- 11 3. Defendant Miller's motion for summary judgment (ECF 53) is granted;
- 12 4. Plaintiff's 2009 claims against defendant Miller are dismissed with prejudice;
- 13 5. Plaintiff's 1996 and 2000 claims against defendant Miller are dismissed as  
14 time-barred;
- 15 6. The findings and recommendations filed September 7, 2011 (ECF 101) are  
16 adopted in full; and
- 17 7. Plaintiff's motion for a preliminary injunction (ECF 90) is denied.

18 DATED: September 26, 2011.

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22 UNITED STATES DISTRICT JUDGE  
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