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

KENNETH KNANISHU,

Plaintiff,

No. 2:10-cv-0005 JAM JFM (PC)

vs.

SACRAMENTO SHERIFF'S DEPT.,
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 August 25, 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 twenty 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. The findings and recommendations filed August 25, 2010 are adopted in full;
2. Defendants' July 2, 2010 motion to dismiss is granted in part and denied in

part;

a. Plaintiff's complaint against defendants McGinness, Brelji and the Sacramento County Sheriff's Department is dismissed; and

b. Plaintiff's complaint against defendant Jacoby is dismissed with leave to amend. Plaintiff is granted thirty days to file an amended complaint against defendant Jacoby that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure, and the Local Rules of Practice; the amended complaint must bear the docket number assigned this case and must be labeled "Amended Complaint". Plaintiff must file an original and two copies of the amended complaint. Failure to file an amended complaint in accordance with this order will result in dismissal of this action.

DATED: September 22, 2010.

/s/ John A. Mendez
UNITED STATES DISTRICT JUDGE