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

JAMES L. JEFFERSON

No. 2:10-cv-00340-MCE CMK-P

Plaintiff,

vs.

ORDER

J.R. WEAVER, et al.,

Defendants.

_____ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On December 30, 2010, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. No objections to the findings and recommendations have been filed.

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.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed December 30, 2010, are adopted in full;
2. Plaintiff's claims for destruction of property are dismissed as non-cognizable claims under § 1983;
3. Defendant Aguirre is dismissed from this action for failure to state a claim; and
4. This action shall proceed as against defendants Weaver and Doowly.

Dated: January 31, 2011



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE