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

KEVIN POPPEN,

Plaintiff,

No. 2:10-cv-0568-MCE-JFM (PC)

vs.

LIONEL FOSTER, M.D., et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding through counsel with 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 September 7, 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 fourteen days and any responses to objections were to be filed within fourteen days thereafter. Defendants have filed objections to the findings and recommendations, and plaintiff has filed a response to defendants' objections.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
2 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
3 file, the court finds the findings and recommendations to be supported by the record and by
4 proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed September 7, 2010, are adopted in
7 full;
- 8 2. Defendants' June 25, 2010 motion to dismiss is denied; and
- 9 3. Defendants McLean, Weinholdt, Heatley, and Soltanian-Zadeh shall answer
10 plaintiff's complaint within ten days from the date of this order.

11 Dated: September 29, 2010

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14 MORRISON C. ENGLAND, JR.
15 UNITED STATES DISTRICT JUDGE
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