

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

FREDERICK MILLER,
Plaintiff,

No. CIV S-10-0834-LKK-DAD (TEMP) PS

vs.

ORDER

DENNIS B. JONES,
Defendant.

_____ /

Plaintiff filed the above-entitled action. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On July 7, 2011, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. On July 25, 2011, the undersigned adopted the findings and recommendations and judgment was entered thereon. At the time the court entered judgment, no objections had been docketed. However, five hours after judgment was entered, the Clerk of Court docketed plaintiff's objections (docket no. 36), which apparently had been submitted to the court on July 22, 2011. The judgment previously entered will therefore be vacated and the objections considered.

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
3 entire file, the court finds the findings and recommendations to be supported by the record and
4 by proper analysis. Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The July 25, 2011 order and judgment (docket nos. 34 and 35) are
6 vacated;
- 7 2. The findings and recommendations filed July 7, 2011, are adopted in full;
- 8 3. Defendant's motion to dismiss is granted with prejudice; and
- 9 4. This action is closed.

10 DATED: March 23, 2012.

11
12
13 
14 LAWRENCE K. KARLTON
15 SENIOR JUDGE
16 UNITED STATES DISTRICT COURT
17
18
19
20
21
22
23
24
25
26