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

DANIEL CRUZ,

Plaintiff,

No. CIV S-10-1162 KJM EFB P

vs.

MICHAELS, et al.,

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 November 30, 2011, the magistrate judge filed findings and recommendations, 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. Defendants have filed objections to the findings and recommendations.<sup>1</sup>

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the file,

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<sup>1</sup> Defendants appear to have filed two copies of the same objections. See ECF Nos. 44, 45.

1 including the operative amended complaint, the court finds the findings and recommendations to  
2 be supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed November 30, 2011, are adopted in  
5 full.

6 2. The March 29, 2011 motion to dismiss filed by defendants Clarke, Mallet,  
7 Reynolds, and Walker is denied in part and the requests for dismissal brought by defendants  
8 Clarke, Mallet, and Reynolds are denied.

9 3. Defendants Clarke, Mallet, and Reynolds are ordered to file an answer to the  
10 complaint within the time provided in Rule 12 of the Federal Rules of Civil Procedure.

11 4. The March 29, 2011 motion to dismiss is granted in part and the request for  
12 dismissal brought by defendant Walker is granted.

13 5. Plaintiff is granted leave to file an amended complaint within 30 days of the  
14 date of this order to attempt to state a claim against defendant Walker.

15 DATED: March 13, 2012.

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18 UNITED STATES DISTRICT JUDGE  
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