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

JOSE B. ORTIZ,

Plaintiff,

No. 2:10-cv-1380 MCE EFB P

vs.

J. REYNOLDS, 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 June 28, 2012, the magistrate judge filed findings and recommendations herein (ECF No. 47) 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. Despite plaintiff being granted an extension of time, neither party has filed objections to the findings and recommendations.

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

5 1. The findings and recommendations (ECF No. 47) filed June 28, 2012, are
6 ADOPTED IN FULL;

7 2. The September 6, 2011 motion to dismiss filed by Defendant Miranda (ECF
8 No. 24) is GRANTED; and

9 3. The March 29, 2012 motion to strike filed by Defendant Miranda (ECF No.
10 41) is GRANTED, and Plaintiff's March 21, 2012 surreply to the motion to dismiss (ECF No.
11 38) is STRICKEN.

12 Dated: September 20, 2012

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