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

JULIO MALDONADO,

Plaintiff,

No. CIV S-10-1944 GEB DAD P

vs.

RODRIGUEZ, 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 December 8, 2011, the magistrate judge filed findings and recommendations herein which were served on plaintiff and defendant Gandy and which contained notice to them that any objections to the findings and recommendations were to be filed within twenty-one days. Neither party has filed objections to the findings and recommendations.

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. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed December 8, 2011, are adopted in full;

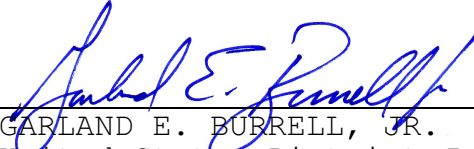
2. Defendant Gandy's motion to dismiss (Doc. No. 20) is granted in part and denied in part as follows:

a. Defendant's motion to dismiss pursuant to Rule 12(b)(6) is denied;

b. Defendant's motion to dismiss pursuant to unenumerated Rule 12(b) is granted; and

3. Plaintiff's motion to supplement his complaint (Doc. No. 37) is denied as moot.

Dated: January 19, 2012



GARLAND E. BURRELL, JR.
United States District Judge