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

SHERMAN JONES, et al.,

Plaintiffs,

No. CIV S-10-2174-KJM-KJN-P

vs.

C. CANNEDY, 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 as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 8, 2012, 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. Neither party has filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir.

1 1983). Having carefully reviewed the file, 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 August 8, 2012, are adopted in full.

5 2. Defendants' motion to dismiss (Dkt. No. 44) is granted in part and denied in
6 part.

7 3. Defendants Holstrom, Foston, Cannedy, Hansen, and Baker, are dismissed
8 from this action.

9 4. Plaintiff's due process and conspiracy claims are dismissed.

10 5. Defendants' qualified immunity defenses to plaintiff's Equal Protection and
11 Eighth Amendment claims are denied.

12 6. This action will proceed on plaintiff's Equal Protection and Eighth
13 Amendment claims against defendants Virga, Lizarraga, and Mini.

14 DATED: September 24, 2012.

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UNITED STATES DISTRICT JUDGE