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

JEREMY JONES,

Plaintiff,

No. 2:10-cv-2661 KJM EFB P

vs.

BALLESTEROS, 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 October 24, 2012, the magistrate judge filed an order and 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 from the date the findings and recommendations were served. Plaintiff has filed objections to the findings and recommendations that discuss the order; the court construes the discussion of the order as a motion for reconsideration.

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 file,
3 the court finds the findings and recommendations to be supported by the record and by the
4 proper analysis.

5 In addition, under Local Rule 303(f), a magistrate judge's order shall be upheld
6 unless "clearly erroneous or contrary to law." Upon review of the file, the magistrate judge's
7 ruling was not clearly erroneous or contrary to law.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations filed October 24, 2012 are adopted in full;
- 10 2. Defendant Lee is dismissed from this action without prejudice; and
- 11 3. The motion for reconsideration is denied.

12 DATED: January 18, 2013.

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15 UNITED STATES DISTRICT JUDGE
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