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

RONALD WALTON,

Plaintiff,

No. CIV S-10-3167 JAM GGH P

vs.

V. SING, 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 October 17, 2011, the magistrate judge filed findings and recommendations herein 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. Plaintiff has filed objections to the findings and recommendations.

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

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed October 17, 2011, are adopted in full;

3 and

4 2. Defendants' motion to dismiss (Doc. 12) is granted, as follows:

5 (1) All claims in the original complaint (Doc. 1) are dismissed. Plaintiff
6 may file an amended complaint on those claims for which leave to amend was provided in the
7 findings and recommendations, within 28 days. Failure to file an amended complaint will result
8 in this action being dismissed.

9 (2) The United States Marshall should cease all efforts to serve defendant
10 Morils, and the court's July 13, 2011, Order directing service on Morils, also referred to as
11 Morales, is vacated. If plaintiff files an amended complaint with cognizable claims against
12 Morils, the magistrate judge will order the United States Marshall to attempt service.

13 DATED: December 8, 2011

14 /s/ John A. Mendez
15 UNITED STATES DISTRICT JUDGE