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

SCOTT N. JOHNSON,

Plaintiff,
vs.

No. Civ S-11-0021-KJM-JFM (PS)

GODWIN ONA,

Defendant.

ORDER

Plaintiff filed the above-entitled action. The matter was referred to a United States Magistrate Judge as provided by Local Rule 72-302(c)(21).

On November 8, 2011, the magistrate judge filed findings and recommendations, which were served on the parties and which contained notice to the 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. 1983). Having carefully reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed November 8, 2011 are adopted in full; and
2. Defendant's August 16, 2011 motion to dismiss is denied.

DATED: March 13, 2012.


UNITED STATES DISTRICT JUDGE

/john0021.804