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

JACOBY POPE,

Plaintiff,

No. CIV S-11-0101 LKK GGH P

vs.

R. GARCIA, et al.,

Defendants.

ORDER

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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 6, 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 twenty 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 only insofar as the magistrate judge determined that plaintiff’s failure to oppose should be deemed a waiver of opposition to the granting of defendants Breckenridge, McKnight, Wray and Barbour’s motion to dismiss.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed on October 6, 2011, are adopted only  
3 insofar as stated above;

4 2. The July 27, 2011 (docket # 15), motion to dismiss filed by defendants  
5 Breckenridge, McKnight, Wray and Barbour is granted.

6 DATED: December 19, 2011.

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LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT

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