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

SCOTT ROBERT ATKINSON,

Plaintiff,

No. 2:11-cv-0210 MCE JFM (PC)

vs.

MATTHEW CATE, 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 March 20, 2012, 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. Defendants have 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.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed March 20, 2012 (ECF No. 44), are ADOPTED in full;
  2. Defendants' October 27, 2011, motion to dismiss (ECF No. 33) is DENIED;
- and
3. Defendants Cate, Martell, King and Thomason are directed to answer plaintiff's first amended complaint within twenty days from the date of this order.

Dated: June 13, 2012

  
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MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE