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

MARIO WILLIAMS,

Plaintiff,

No. 2:11-cv-0638 GEB KJN P

vs.

JASON T. HUFFMAN, 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 September 9, 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-one 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. Accordingly, IT IS HEREBY ORDERED that:

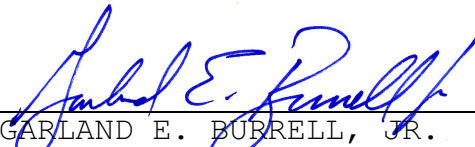
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1 1. The findings and recommendations filed September 9, 2011, are adopted in
2 full;

3 2. The August 5, 2011 motion to dismiss based on an alleged failure to exhaust
4 administrative remedies (dkt. no. 20) is denied; and

5 3. Defendants' motion to dismiss on Eleventh Amendment grounds is granted
6 only to the extent that plaintiff seeks damages against defendants in their official capacity.¹

7 Dated: October 28, 2011

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11 GARLAND E. BURRELL, JR.
12 United States District Judge
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26 ¹ Defendants Traquina, Austin and Mefford filed an answer on September 28, 2011.
(Dkt. No. 29.)