

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

JOSHUA LAMARK,

Plaintiff,

No. CIV S-11-1098 MCE GGH PS

vs.

RANDALL HICKS, et al.,

Defendants.

ORDER

_____ /

On September 28, 2011, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. No objections were filed.

Accordingly, the court presumes 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).

The court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the Findings and Recommendations in full.

Accordingly, IT IS ORDERED that the Findings and Recommendations filed September 28, 2011, are ADOPTED and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1. Defendants' motion to dismiss (dkt. no. 5) is denied;
2. Defendants shall file an answer to plaintiff's complaint within 14 days of the filed date of this order.

Dated: November 8, 2011



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE