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1	1. The findings and recommendations filed February 20, 2013, are adopted in
2	full;
3	2. Defendant Miranda's motion to dismiss under Rule 12(b)(6) (ECF No. 29) is
4	granted without prejudice to amendment and plaintiff is granted twenty-eight days to file an
5	amended complaint.
6	3. Defendants' motion to dismiss for failure to exhaust administrative remedies
7	(ECF No. 30) is granted as to the claim that plaintiff's Eighth Amendment rights were violated
8	by exposure to extreme cold without adequate clothing and/or linens (ECF No. 1 at 20, ¶ 152),
9	and denied as to all other claims.
10	DATED: April 12, 2013
11	/s/ John A. Mendez UNITED STATES DISTRICT COURT JUDGE
12	OMILD STATES DISTRICT COURT JODGE
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