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

MARIO A. WILLIAMS,

Plaintiff,

No. 2:11-cv-1687 LKK AC (P)

vs.

GARY SWARTHOUT, et al.,

Defendants.

ORDER

\_\_\_\_\_/

Plaintiff is a state prisoner who proceed in this action in pro se and in forma pauperis. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On January 31, 2013, 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-eight 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. The findings and recommendations filed January 31, 2013, are adopted in full;

and

2. Defendant's motion to dismiss (ECF No. 21) is denied, without prejudice to renewal of the defense of qualified immunity on summary judgment.

DATED: March 28, 2013.

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT