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

DOUGLAS REAL,

Plaintiff,

No. 2:11-cv-1821 LKK AC P

vs.

JALAL SOLTANIAN-ZADEH, 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 6, 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-one 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.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed March 6, 2013, are adopted in full;

3 2. Defendants' motion to dismiss (ECF No. 29) is granted in part and denied in
4 part, as follows:


5 A. Defendants' motion to dismiss for failure to exhaust administrative
6 remedies is granted as to defendants Smith, Heatley, Galloway and Todd only and these
7 defendants are dismissed;

8 B. Defendants' motion to dismiss plaintiff's state law negligence claim is
9 granted and this claim is dismissed;

10 C. Defendants' motion to dismiss for failure to state a claim is granted as
11 to defendant Kettelhake and denied as to defendants Soltanian-Zadeh and Tseng; and

12 3. Defendants Soltanian-Zadeh and Tseng are directed to file an answer within
13 thirty days of service of this order.

14 DATED: March 29, 2013.

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18 LAWRENCE K. KARLTON
19 SENIOR JUDGE
20 UNITED STATES DISTRICT COURT
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