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

ANDRE JAMAL ROBINSON,

No. 2:11-cv-02555 MCE AC P

Plaintiff,

vs.

ORDER

MATTHEW CATES, et al.,

Defendants.

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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 December 5, 2012, the Magistrate Judge filed findings and recommendations herein (ECF No. 31) 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 days. Plaintiff has filed objections to the findings and recommendations.

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1 Plaintiff has also filed a motion to amend his complaint, asking in summary
2 fashion that the Court: (1) dismiss defendant McDonald; (2) quash plaintiff's religious services
3 claims; and (3) "add or entertain" certain constitutional claims. See ECF No. 34. Plaintiff is
4 advised that, as recommended by the Magistrate Judge, Plaintiff will be given an opportunity to
5 add or to delete claims and/or defendants in his amended complaint, as outlined in the findings
6 and recommendations.

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
8 304, this Court has conducted a de novo review of this case. Having carefully reviewed the
9 entire file, the Court finds the findings and recommendations to be supported by the record and
10 by proper analysis.

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. The findings and recommendations filed December 5, 2012 (ECF No. 31) are
13 ADOPTED IN FULL;

14 2. The order to show cause, filed August 8, 2012 (ECF No. 20) is
15 DISCHARGED;

16 3. Plaintiff's motion for an order to show cause (ECF No. 19) is DENIED;

17 4. Plaintiff's motion for default judgment (ECF No. 21) is DENIED;

18 5. Defendant's motion to dismiss (ECF No. 18) is GRANTED;

19 6. The complaint is DISMISSED as moot against Defendant McDonald;

20 7. The complaint is DISMISSED with leave to amend against remaining
21 Defendants for the reasons stated in the Magistrate Judge's findings and recommendation.

22 8. Plaintiff's motion to amend his complaint (ECF No. 34) is DENIED as
23 unnecessary; and

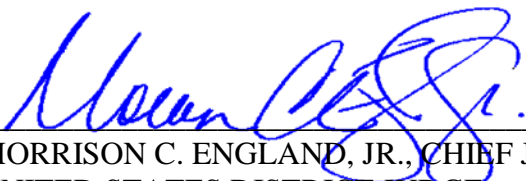
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1 9. Plaintiff shall file an amended complaint against Defendants Cate and
2 Guirbino within twenty-eight (28) days from the date of service of this Order. If no amended
3 pleading is filed within 28 days, the Court will dismiss Plaintiff's complaint with prejudice and
4 will direct the Clerk of the Court to close this case.

5 DATED: February 25, 2013

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11 MORRISON C. ENGLAND, JR., CHIEF JUDGE
12 UNITED STATES DISTRICT JUDGE
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