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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDRE JAMAL ROBINSON,  
Plaintiff,  
v.  
MATTHEW CATE, ET AL.,  
Defendants.

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

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 December 27, 2013, the Magistrate Judge filed findings and recommendations herein, ECF No. 44, 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. 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.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations, ECF No. 44, filed December 27, 2013, are  
3 ADOPTED IN FULL;

4 2. Defendant's motion to dismiss, ECF No. 40, is DENIED to the extent that it seeks  
5 dismissal of Defendant Giurbino;

6 3. The motion to dismiss, ECF No. 40, is GRANTED to the extent that it seeks dismissal  
7 of Defendant Cate; and,

8 4. Defendant Giurbino shall file an answer to Plaintiff's First Amended Complaint within  
9 twenty eight days of the filing date of this order.

10 IT IS SO ORDERED.

11 Dated: February 4, 2014



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13 MORRISON C. ENGLAND, JR., CHIEF JUDGE  
14 UNITED STATES DISTRICT COURT  
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