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

DAVID LEE LASKIEWICZ,

No. 2:11-cv-2828-JAM-CMK

Plaintiff,

vs.

ORDER

RUSSELL SWARTZ, et al.,

Defendants.

_____ /

Plaintiff, proceeding in this action in propria persona, brings this civil action. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On May 13, 2013, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. No objections to the findings and recommendations have been filed.

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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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed May 13, 2013, are adopted in full;
2. Defendant's motion to dismiss (Doc. 53) is granted;
3. Defendant Berg is dismissed from this action; and
4. This action will proceed as against defendants Swartz and Kinney only.

DATED: July 16, 2013

/s/ John A. Mendez
UNITED STATES DISTRICT COURT JUDGE