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

PAUL DEAN ROBERTS,

Plaintiff,

No. CIV S-12-0247 KJM GGH P

vs.

CALIFORNIA DEPARTMENT  
OF CORRECTIONS, 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 as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 7, 2012, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are


1 reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir.  
2 1983). Having carefully reviewed the file, the court finds the findings and recommendations to  
3 be supported by the record and, with one minor exception, by the proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The findings and recommendations filed May 7, 2012, are adopted except for  
6 the citation to *Eason v. Clark County School Dist.*, 303 F.3d 1137, 1144 (9th Cir. 2002); and

7 2. All defendants are dismissed except for the California Department of  
8 Corrections and Rehabilitation.

9 DATED: September 27, 2012.

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13 UNITED STATES DISTRICT JUDGE  
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