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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT STANLEY WOODS, a.k.a.
SALADIN RUSHDAN,

Plaintiff,

v.

HAMKAR, et al.,

Defendants.

No. 2:12-cv-00562 MCE CKD (P)

ORDER

Plaintiff, a state prisoner, 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 August 14, 2015, the magistrate judge filed Findings and Recommendations herein (ECF No. 103), which were served on all parties and which contained notice that any objections to the Findings and Recommendations were to be filed within fourteen days. Neither party has filed objections to the Findings and Recommendations.

The Court presumes that the magistrate judge’s 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 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.

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1 1983). Having reviewed the file, the Court finds the Findings and Recommendations to be
2 supported by the record and by the magistrate judge's analysis.¹

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The Findings and Recommendations filed August 14, 2015 (ECF No. 103) are
5 ADOPTED IN FULL.

6 2. Defendants Hamkar, Ali, Nangalama, Tharratt, Toche, and Beard's Motion to Dismiss
7 (ECF No. 82) is GRANTED in part and DENIED in part. Specifically:


8 a. The Motion is GRANTED as to Plaintiff's contract claims against Defendants
9 Tharratt, Toche, and Beard;

10 b. The Motion is DENIED as to Plaintiff's Eighth Amendment claims against
11 Defendants Hamkar, Ali, and Nangalama.

12 3. Defendant Kelso's Motion to Dismiss (ECF No. 85) is GRANTED.

13 IT IS SO ORDERED.

14 Dated: September 25, 2015

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17 MORRISON C. ENGLAND, JR., CHIEF JUDGE
18 UNITED STATES DISTRICT COURT
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26 _____
27 ¹ The only inaccuracy in the Findings and Recommendations is the statement that
28 Plaintiff is proceeding pro se in this action. See ECF No. 103 at 1. Contrary to that statement,
the docket and Plaintiff's opposition to the motions to dismiss (ECF No. 91) indicate that Plaintiff
has counsel.