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

DAVID K. LEWIS, et al.,

Plaintiffs,

No. 2:12-cv-0986 JAM EFB P

vs.

GARDINER, et al.,

Defendants.

ORDER

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Plaintiff David Lewis, Ken Marchesin, and Robert Mistriel, state prisoners proceeding pro se, have 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 June 19, 2012, the magistrate judge filed findings and recommendations herein which were served on the plaintiffs and which contained notice to the plaintiffs that any objections to the findings and recommendations were to be filed within twenty days. No objections have been filed.<sup>1</sup>

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<sup>1</sup> The file reflects that plaintiff Lewis’s copy of the findings and recommendations were returned by the Postal Service marked “Undeliverable, Deceased.”

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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. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed June 19, 2012, are adopted in full;
2. The request for permissive joinder of plaintiffs and for class certification is denied; and
3. Plaintiffs Ken Marchesin and Robert Mistriel are dismissed from this action.

DATED: August 28, 2012

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