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

ROBERT ELLIS,

Plaintiff,

No. CIV. 12-1691-JAM-KJN-P

vs.

REDDY,

Defendant.

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 May 7, 2013, the magistrate judge filed findings and recommendations herein 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 fourteen 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. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed May 7, 2013 (ECF No. 23), are adopted in full.

2. Defendant's motion to dismiss (ECF No. 12), is granted without prejudice to plaintiff filing an amended complaint.<sup>1</sup>

DATED: September 20, 2013

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

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<sup>1</sup> Plaintiff has now filed an Amended Complaint (ECF No. 24), which shall be reviewed by the magistrate judge.