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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	MILTON SYKES,	No. 2:12-cv-2570 TLN KJN P
12	Plaintiff,	
13	v.	ORDER
14	ATHANNASIOUS, et al.,	
15	Defendants.	
16		
17	Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief	
18	under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to	
19	28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
20	On August 5, 2015, the magistrate judge filed findings and recommendations herein	
21	which were served on all parties and which contained notice to all parties that any objections to	
22	the findings and recommendations were to be filed within fourteen days. Neither party has filed	
23	objections to the findings and recommendations.	
24	The Court has reviewed the file and fi	inds the findings and recommendations to be
25	supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY	
26	ORDERED that:	
27	1. The findings and recommendations filed August 5, 2015 (ECF No. 114) are adopted in	
28	full;	
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1	2. Dr. Khaira's Motion to Dismiss (ECF No. 92) is granted, and:		
2	A. To the extent that it is pled against Dr. Khaira, Plaintiff's Section 1983 claim is		
3	dismissed without prejudice;		
4	B. To the extent that it is pled against Dr. Khaira, Plaintiff's retaliation claim is		
5	dismissed without prejudice; and		
6	C. Plaintiff's prayer for punitive damages pursuant to his state law medical		
7	malpractice claim is dismissed with prejudice.		
8	3. Dr. Aguilera and Dr. Haile's Motion to Dismiss (ECF No. 103) is granted.		
9	4. Dr. Aguilera and Dr. Haile are dismissed with prejudice as Defendants in this action.		
10	5. Plaintiff is granted thirty days to file a second amended complaint that complies with		
11	this order, the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure, and the		
12	Local Rules of Practice. The second amended complaint must also bear the docket number		
13	assigned to this case and must be labeled "Second Amended Complaint."		
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15	IT IS SO ORDERED.		
16	Dated: September 11, 2015		
17	my Hunlay		
18	Troy L. Nunley		
19 20	United States District Judge		
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