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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER HOWARD WHITE,
Plaintiff,
v.
D. SMYERS, et al.,
Defendants.

No. 2:12-cv-2868 MCE AC P

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 August 28, 2013, the magistrate judge filed findings and recommendations herein, ECF No. 24, 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. Based on good cause shown, Plaintiff's objections filed on January 23, 2014 are deemed timely filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The Findings and Recommendations, ECF No. 24, filed August 28, 2013, are
3 ADOPTED IN FULL;

4 2. Service is appropriate for Defendants Miranda, Mayes, Schmidt, Lee, Pomazal,
5 Rofling, Lankford and Swingle;

6 3. This case proceeds on Plaintiff's first amended complaint filed July 15, 2013, ECF
7 No. 23, on Plaintiff's claims for violations of the Eighth Amendment by each Defendant named in
8 (2) above, and on a claim under the ADA against Defendant Swingle in his official capacity.

9 4. All other Defendants and claims are DISMISSED from this action.

10 5. The Clerk of the Court shall send Plaintiff 8 (eight) USM-285 forms, one summons, an
11 instruction sheet and a copy of the First Amended Complaint, ECF No. 23, filed July 15, 2013.

12 3. Within thirty days from the date of this Order, Plaintiff shall complete the attached
13 Notice of Submission of Documents and submit the following documents to the Court:

14 a. The completed Notice of Submission of Documents;

15 b. One completed summons;

16 c. One completed USM-285 form for each defendant listed in number 2 above; and

17 d. 9 (nine) copies of the endorsed amended Complaint filed July 15, 2013.

18 4. Plaintiff need not attempt service on Defendants and need not request waiver of
19 service. Upon receipt of the above-described documents, the court will direct the United States
20 Marshal to serve the above-named Defendants pursuant to Federal Rule of Civil Procedure 4
21 without payment of costs.

22 IT IS SO ORDERED.

23 Dated: March 3, 2014

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MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT

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1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF CALIFORNIA

3
4 WALTER HOWARD WHITE,

No. 2:12-cv-2868-MCE AC P

5 Plaintiff,

6 v.

NOTICE OF SUBMISSION OF DOCUMENTS

7 D. SMYER, et al.,

8 Defendant.

9
10 Plaintiff hereby submits the following documents in compliance with the court's order
11 filed _____ :

12 _____ completed summons form

13 _____ completed USM-285 forms

14 _____ copies of the _____
15 Amended Complaint

16
17 DATED:

18
19
20 _____
Plaintiff