1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JOHN HEMSLEY, No. 2:12-cv-2930-JAM-EFB P 12 Plaintiff, 13 **ORDER** v. 14 G. SWARTHOUT, 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 February 27, 2014, the magistrate judge filed findings and recommendations herein 21 which were served on plaintiff and which contained notice to plaintiff that any objections to the 22 findings and recommendations were to be filed within 30 days. Plaintiff has not filed objections 23 to the findings and recommendations. 24 The court has reviewed the file and finds 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 February 27, 2014, are adopted in full; 28 2. Defendants' May 28, 2013 motion to dismiss (ECF No. 19) is granted; 1

1	3. Plaintiff is granted thirty days from the date of this order to file a second amended
2	complaint raising only his Eighth Amendment deliberate indifference claim against Dr. Winn;
3	and
4	4. Defendants are not required to respond to any second amended complaint until it has
5	been screened by the court pursuant to 28 U.S.C. § 1915A.
6	DATED: April 15, 2014
7	/s/ John A. Mendez
8	UNITED STATES DISTRICT COURT JUDGE
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