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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BERNARDOS GRAY, JR.,
Plaintiff,
v.
T. VIRGA, et al.,
Defendants.

No. 2:12-cv-3006 KJM AC P

ORDER

Plaintiff, a state prisoner proceeding through counsel, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 12, 2017, the magistrate judge filed findings and recommendations, 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. ECF No. 121. Neither party has filed objections to the findings and recommendations.¹

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are

¹ The January 12, 2017 findings and recommendations vacate and replace earlier findings and recommendations filed September 28, 2016, ECF No. 116. While defendants filed objections to the September 28, 2016 findings and recommendations, *see* ECF No. 117, they have not filed objections to the January 12, 2017 findings and recommendations.

1 reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir.
2 1983). Having reviewed the file, the court finds the findings and recommendations to be
3 supported by the record and by the proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The findings and recommendations filed January 12, 2017 (ECF No. 121), are
6 adopted in full; and

7 2. Defendants' motion for summary judgment (ECF No. 100) is granted in part
8 and denied in part as follows:

9 a. Granted as to defendant Nielson;

10 b. Granted as to the request for injunctive relief against defendant Virga
11 and denied in all other respects as to Virga; and

12 c. Denied as to defendants Gam and Starnes.

13 DATED: March 6, 2017

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16 UNITED STATES DISTRICT JUDGE
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