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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL GRESS,  
Plaintiff,  
v.  
DR. CHRISTOPHER SMITH, et al.,  
Defendants.

No. 2:13-cv-0328 TLN KJN 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 January 26, 2016, 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. (ECF No. 96.) Neither party has filed objections to the findings and recommendations.

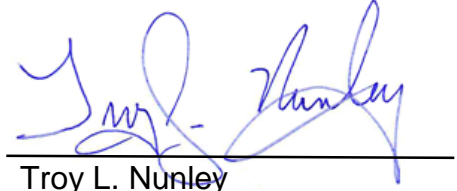
The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed January 26, 2016, are adopted in full; and
- 2. Defendant Barnett’s Motion to Dismiss (ECF No. 89) is denied without prejudice as to

1 Defendant's motion that Plaintiff's state law negligence claims against Dr. Barnett are barred by  
2 the statute of limitations, and with prejudice as to Defendant's other grounds for dismissal at this  
3 stage of the pleadings.

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Dated: March 18, 2016



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Troy L. Nunley  
United States District Judge