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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOSE GOMEZ,  
Plaintiff,  
v.  
SANDERS, et al.,  
Defendants.

No. 2:13-cv-0480-GEB-CMK-P

**ORDER**

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On August 26, 2016, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. No objections to the findings and recommendations have been filed.

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. Defendants' motion to dismiss and motion to strike (Doc. 38) is granted;

1                   2.       Plaintiff's claim for injunctive relief is moot and is dismissed from this  
2 action;

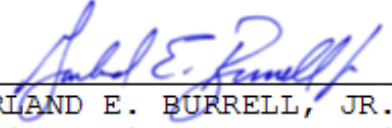
3                   3.       Plaintiff's claims against the defendants in their official capacity are barred  
4 by the Eleventh Amendment and are dismissed;

5                   4.       The irrelevant statements in the second amended complaint (Doc. 35 at 4, ¶  
6 6; 6, ¶ 5) and the declaration of inmate Brown are stricken from the complaint;

7                   5.       This action continues against the defendants in their individual capacities  
8 on plaintiff's Eighth Amendment claim; and  
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10                  6.       Defendants are directed to file an answer to the complaint within 20 days  
11 from the date on which this order is filed.

12 Dated: November 16, 2016  
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17 GARIAND E. BURRELL, JR.  
18 Senior United States District Judge  
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