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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWIN MCMILLAN,  
  
                                Plaintiff,  
  
                  v.  
  
S. RINGLER, et al.,  
  
                                Defendants.

No. 2:13-cv-00578-MCE-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 December 19, 2014, 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. Plaintiff has filed objections to the findings and recommendations.

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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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed December 19, 2014, are adopted in full.

2. Defendants' motion to dismiss (ECF No. 29) is granted as to plaintiff's sixth claim against defendant Muldong, plaintiff's eighth claim against defendant Warden Swarthout in his official capacity, and plaintiff's ninth claim, under California Civil Code § 52.1, as to defendants Henry, Scotland, Ruiz, Muldong, Popovits, Arnold, Young, and Swarthout. In all other respects, defendants' motion to dismiss is denied.

3. Plaintiff is granted leave to amend as to the sixth claim and ninth claim, but no further amendment will be permitted as to plaintiff's eighth claim against defendant Warden Swarthout in his official capacity. Any amended complaint shall be filed not later than thirty (30) days after the date this Order is electronically filed.

Dated: February 12, 2015

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