1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 No. 2:13-cv-0578 MCE KJN P EDWIN MCMILLAN, 12 Plaintiff, 13 **ORDER** v. 14 S. RINGLER, 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 1, 2016, the magistrate judge filed findings and recommendations herein 21 which were served on all parties and which contained notice to all parties that any objections to 22 the findings and recommendations were to be filed within fourteen days. Plaintiff and defendants 23 have filed objections to the findings and recommendations. 24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 25 court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the entire file, the 26 court finds the findings and recommendations to be supported by the record and by proper 27 analysis. 28 ///// 1

Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations filed February 1, 2016 are adopted in full; 2. Defendants' motion to dismiss (ECF No. 49) is denied as to claims 1 and 2 against defendant Zuniga, claim 3 against defendant Ringler and claim 9 as to defendant Scotland; defendants' motion to dismiss is granted in all other respects. IT IS SO ORDERED. Dated: March 31, 2016 CHIEF JUDGE UNITED STATES DISTRICT COURT