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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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WILLIAM D. FARLEY,  
Plaintiff,  
  
v.  
  
T. VIRGA, et al.,  
  
Defendants.

CIV. NO. 2:13-1751 WBS KJN P  
ORDER

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Plaintiff William D. Farley is a state prisoner, proceeding pro se with a civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302(c)(17).

On January 28, 2015, the Magistrate Judge filed Findings and Recommendations ("F&Rs") that were served on all parties and which contained notice to all parties that any

1 objections to the F&Rs were to be filed within fourteen days.  
2 (F&Rs at 10 (Docket No. 89).) The parties were advised that  
3 failure to file objections within that time may waive the right  
4 to appeal the District Court's order. (Id.); Martinez v. Ylst,  
5 951 F.2d 1153 (9th Cir. 1991). No party has filed objections to  
6 the F&Rs.

7 The court has reviewed the file and finds the F&Rs to  
8 be supported by the record and by the Magistrate Judge's  
9 analysis.

10 Accordingly, IT IS HEREBY ORDERED that:


- 11 (1) The Findings and Recommendations filed January 28,  
12 2015, be, and the same hereby are, adopted in  
13 full;
- 14 (2) Defendants' Motion to Dismiss (Docket No. 42) be,  
15 and the same hereby is, GRANTED as to all claims  
16 brought against defendants Virga and Hamkar;
- 17 (3) Defendants' Motion to Dismiss (Docket No. 42) be,  
18 and the same hereby is, GRANTED as to those claims  
19 brought against defendants Miers, Delaney, May,  
20 Higgins, Gonzales, Scoggins, Curren, and Stewart  
21 in their official capacities;
- 22 (4) Plaintiff William Farley has twenty days from the  
23 date this Order is signed to file an amended  
24 complaint, if he can do so consistent with this  
25 Order.
- 26 (5) If plaintiff files an amended complaint within  
27 twenty days from the date this Order is signed,  
28 all defendants shall respond to that amended

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complaint;

(6) If plaintiff does not file an amended complaint within twenty days from the date this Order is signed, defendants Miers, Delaney, May, Higgins, Gonzales, Scoggins, Curren, and Stewart shall file a response to plaintiff's First Amendment Complaint (Docket No. 11) by addressing those claims brought against them in their personal capacities.

Dated: February 23, 2015

  
**WILLIAM B. SHUBB**  
**UNITED STATES DISTRICT JUDGE**