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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM GRANVILLE SMITH,
Plaintiff,
v.
B. AUBUCHON, et al.,
Defendants.

No. 2:14-cv-0775-KJM-CMK-P

ORDER

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

On September 8, 2016, the Magistrate Judge filed findings and recommendations, which were served on the parties and which contained notice that the parties may file objections within fourteen days. Plaintiff sought and received two thirty day extensions of time to file objections. *See* ECF Nos. 47, 52. Plaintiff’s third request for extension of time was denied. *See* ECF No. 54. Neither party has filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir.

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1 1983). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed September 8, 2016, are adopted in
5 full;
- 6 2. Defendants' motion to dismiss (ECF No. 28) is granted;
- 7 3. Plaintiff's first amended complaint is dismissed with leave to amend; and
- 8 4. Plaintiff shall file and serve a second amended complaint within 30 days of
9 the date of this order.

10 DATED: March 21, 2017

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14 UNITED STATES DISTRICT JUDGE
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