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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAUL ENRIQUE RAMIREZ,
Plaintiff,
v.
B. FLEMING, et al.,
Defendants.

No. 2:14-cv-1937 KJM CKD 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 as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 28, 2014, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff 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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1 Plaintiff objects, *inter alia*, to what he construes as a recommendation from the magistrate
2 judge that his claims against individuals identified as defendant Callison and defendant Smith be
3 dismissed from this action. *See* ECF No. 14. It appears that in making the findings and
4 recommendations the magistrate judge did not consider allegations in the body of the complaint
5 against these two individuals, because they are not identified as defendants in the list of named
6 defendants at pages 2 and 3 of the complaint. *See* ECF No. 13 at 4 n.2. This court's review of
7 the complaint suggests that plaintiff also did not include a specific claim against these individuals
8 tied to the allegations he makes. *See* ECF No. 1 at 13-16. For these reasons, the court finds that
9 plaintiff has not properly raised a claim against the individuals identified as defendants Callison
10 and Smith in the original complaint. The court expresses no view at this time whether this defect
11 could be cured by amendment of the complaint.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The findings and recommendations filed October 28, 2014, are adopted in full; and
- 14 2. Defendants St. Andre, Peddicord, Chapman, Marquez and J. Harrison are dismissed
15 from this action.

16 DATED: June 11, 2015.

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20 UNITED STATES DISTRICT JUDGE
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