1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 No. 2:14-cv-2018 JAM AC P BERLAN LYNELL DICEY, 12 Plaintiff. 13 v. **ORDER** 14 W. HANKS, et al., 15 Defendants. 16 17 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 18 19 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On August 14, 2015, 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 twenty-one days. ECF No. 29. Plaintiff has filed objections to the findings and recommendations (ECF No. 32) and defendant 23 24 Statti has responded (ECF No. 33). 25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 26 Although not filed by the Clerk of the Court until September 25, 2015, plaintiff's certificate of service reflects that the objections were submitted to prison officials for mailing on September 3, 27 2015. ECF No. 32 at 29. Under the prison mailbox rule, plaintiff's objections are timely. See 28 Houston v. Lack, 487 U.S. 266, 276 (1988). 1

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. Accordingly, IT IS HEREBY ORDERED that: 1. The findings and recommendations filed August 14, 2015 (ECF No. 29), are adopted in full; and 2. Defendant Statti's motion to dismiss (ECF No. 15) is granted and the claims against defendant Statti are dismissed with prejudice. DATED: October 15, 2015 /s/ John A. Mendez_ UNITED STATES DISTRICT COURT JUDGE