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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MIGUEL DIAZ,

Plaintiff,

v.

R. FOX, et al.,

Defendants.

No. 2:14-cv-2705 JAM 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 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 28, 2016, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Defendants have 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. See Oliver v. Keller, 289 F.3d 623, 628 (9th Cir. 2002) (noting that, in embracing the physical injury standard under 42 U.S.C. § 1997(e) adopted by the Second, Fifth, and Eleventh circuits, the Ninth Circuit does not subscribe to the Fifth Circuit’s reasoning that Eighth

1 Amendment claims require more than de minimis injury).

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed June 28, 2016 are adopted in full;

4 2. Defendants' motion to dismiss (ECF No. 28) is denied.

5 DATED: August 31, 2016

6 John A. Mendez

7 UNITED STATES DISTRICT COURT JUDGE

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