1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 GERALD WILSON, No. 2:15-cv-0866-KJM-EFB P 12 Plaintiff, 13 v. **ORDER** 14 J. PRICE, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief 18 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge in 19 accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On February 9, 2017, the magistrate judge filed findings and recommendations, which 21 were served on all parties and which contained notice to all parties that any objections to the 22 findings and recommendations were to be filed within fourteen days. On March 3, 2017, plaintiff 23 filed a notice of change of address, ECF No. 28, and on March 6, 2017, the findings and 24 recommendations were re-served on plaintiff at his new address of record. Neither party has filed 25 objections to the findings and recommendations. 26 The court presumes that any findings of fact are correct. See Orand v. United States, 602 27 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. 28 See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed 1

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the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis. Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed February 9, 2017, are adopted in full; and
- 2. Defendant's motion to dismiss (ECF No. 19) is DENIED without prejudice.

DATED: March 23, 2017

UNITED STATES DISTRICT JUDGI