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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRENT LEE HARDING,

 Plaintiff,

 v.

RIO COSUMNES CORRECTIONAL
FACILITY, et al.,

 Defendants.

No. 2:15-cv-1927 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 October 21, 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. 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. 1983). Having

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1 reviewed the file, the court finds the findings and recommendations to be supported by the record
2 and by the magistrate judge's analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed October 21, 2016, are adopted in full;
5 2. Defendants' motion to dismiss (ECF No. 15) is granted in part and denied in part as
6 follows:

7 A. Granted with respect to plaintiff's remaining claim against defendant Gonzales;
8 and

9 B. Denied with respect to plaintiff's remaining claim against defendant Padilla.

- 10 3. Defendant Padilla shall file his answer within 21 days.

11 DATED: January 5, 2017

12 /s/ John A. Mendez

13 UNITED STATES DISTRICT COURT JUDGE

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