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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

OSHAY JOHNSON,  
Plaintiff,  
v.  
ARNOLD SCHWARZENEGGER, et al.,  
Defendants.

No. 2:15-cv-2269 MCE DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action 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 March 28, 2017, the magistrate judge filed findings and recommendations herein 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. After receiving an extension of time to file any objections, plaintiff informed the court of the following: (1) he moves to dismiss defendants Schwarzenegger and Cates, (2) he will file a separate action against defendants Brown, Fritz, Gardner, Shaffer, Artis, Rackley, and Beard, and (3) he wishes to proceed in this action against defendants Ledesia, Wong, Scavette, Sisto, Yates, and Shannon. (ECF No. 20.)

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The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. In addition, the court will grant plaintiff’s request to dismiss defendants Schwarzenegger and Cate. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed March 28, 2017 (ECF No. 17) are adopted in full;
2. Plaintiff’s claims against defendants Brown, Fritz, Gardner, Shaffer, Artis, Rackley, and Beard are denied without prejudice; and
3. Plaintiff’s motion to dismiss (ECF No. 20) defendants Schwarzenegger and Cate is granted.

IT IS SO ORDERED.

Dated: May 12, 2017

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE