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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH ANTHONY DiBARTOLOMEO,
Plaintiff,
v.
LINDA JIMINEZ, et al.,
Defendants.

No. 2:15-cv-2347 JAM KJN P

ORDER

Plaintiff, a 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 July 06, 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 has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed July 06, 2016, are adopted in full;
- 2. Defendants’ motion to dismiss (ECF No. 19) is denied as to plaintiff’s Fourth

1 Amendment claim against defendant Jimenez and plaintiff's Eighth Amendment claim alleging
2 excessive force against defendant Taiariol; defendants' motion to dismiss is granted in all other
3 respects;

4 3. Within twenty days of the date of this order, defendants shall file an answer to the
5 complaint.

6 DATED: August 25, 2016

7 /s/ John A. Mendez

8 UNITED STATES DISTRICT COURT JUDGE

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