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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAMAR MCQUEEN, aka NINA  
SHANAY MCQUEEN,

Plaintiff,

v.

EDMUND BROWN, et al.,

Defendants.

No. 2:15-cv-2544 JAM AC P

ORDER

Plaintiff, a state prisoner who now proceeds through counsel,<sup>1</sup> 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 February 27, 2019, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days; that period was extended by stipulation of the parties. Both plaintiff and defendants have filed objections to the findings and recommendations.

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<sup>1</sup> Counsel was appointed for plaintiff *after* the magistrate judge issued the subject findings and recommendations.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
2 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the  
3 court finds the findings and recommendations to be supported by the record and by proper  
4 analysis. Additionally, for the reasons set forth in the findings and recommendations as well as  
5 the parties' respective objections, plaintiff will be granted leave to amend.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The findings and recommendations filed February 27, 2019, are adopted as follows:  
8 defendants' motion to dismiss, ECF No. 21, is denied as to the Eighth Amendment claim, and  
9 granted as to the Equal Protection claim without prejudice to amendment;

10 2. Plaintiff is granted thirty (30) days after the filing date of this order to file a Second  
11 Amended Complaint; and

12 3. This case is referred back to the assigned magistrate judge for all further pretrial  
13 proceedings.

14 IT IS SO ORDERED.

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16 DATED: June 13, 2019

17 /s/ John A. Mendez

18 UNITED STATES DISTRICT COURT JUDGE

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