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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	ZACHARIAH DANIELS,	No. 2:16-cv-00996 JAM CKD P
12	Plaintiff,	
13	v.	ORDER
14	DR. AGUILLERA, et al.,	
15	Defendants.	
16		
17	Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief	
18	pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge	
19	pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
20	On January 24, 2018, the magistrate judge filed findings and recommendations herein	
21	which were served on plaintiff and which contained notice to plaintiff that any objections to the	
22	findings and recommendations were to be filed within fourteen days. Plaintiff has not filed	
23	objections to the findings and recommendations.	
24	The court presumes that any findings of fact are correct. See Orand v. United States, 602	
25	F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo.	
26	See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having	
27	reviewed the file, the court finds the findings and recommendations to be supported by the record	
28	and by the magistrate judge's analysis.	
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1	Accordingly, IT IS HEREBY ORDERED that:	
2	1. The findings and recommendations filed January 24, 2018, are adopted in full; and	
3	2. The First Amendment claims against defendants M. Ditomas, S. Prevette, Joan	
4	Gerbasi, J. Lewis, as well as the Eighth Amendment claims against defendants Conchas, T.	
5	Morris or T. Morrison, Sergeant Thomas, and Sergeant Anderson are dismissed for failing to state	
6	a claim upon which relief can be granted.	
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8	DATED: April 11, 2018	
9	/s/ John A. Mendez	
10	UNITED STATES DISTRICT COURT JUDGE	
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