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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID WESLEY BIRRELL,
Plaintiffs,
v.
ROBERT W. FOX, et al.,
Defendants.

No. 2:16-cv-1818 JAM CKD P

ORDER

Plaintiffs, California prisoners proceeding with counsel, have 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 August 30, 2017, the magistrate judge filed findings and recommendations herein which were served on plaintiffs and which contained notice to plaintiffs that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiffs have not 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 reviewed the file, the court finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed August 30, 2017 are adopted in full; and
2. All defendants other than defendant Fox in his official capacity as Warden of the California Medical Facility are dismissed.

DATED: September 28, 2017

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE