UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID WESLEY BIRRELL, et al.,

Plaintiff,

v.

ROBERT W. FOX,

Defendant.

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

ORDER

Plaintiffs, state prisoners proceeding pro se, 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 May 8, 2019, 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. Plaintiff Thomas Alford has filed objections asking that he not be dismissed from this action.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court will adopt the findings and recommendations with the exception that plaintiff Alford will not be dismissed.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed May 8, 2019 are adopted in part in that plaintiffs, Bell, Jackson, Lewis, Gutschenritter, Parker and White are dismissed from this action; and

2. The magistrate judge's recommendation that plaintiff Thomas Alford be dismissed is not adopted.

Dated: July 10, 2019

/s/ John A. Mendez
JOHN A. MENDEZ
United States District Court Judge