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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT WILLIAM TUNSTALL, JR.,
Plaintiff,
v.
JOSEPH BICK, et al.,
Defendants.

No. 2:16-CV-2604-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by Eastern District of California local rules.

On October 25, 2021, the Magistrate Judge filed findings and recommendations, which were served on the parties and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and the Magistrate Judge’s analysis.

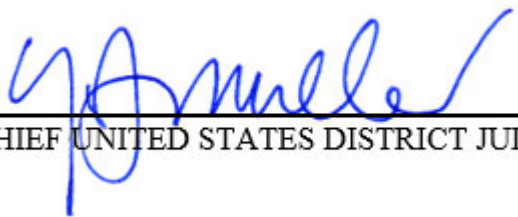
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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 25, 2021, are adopted in full;
2. Plaintiff's election (ECF Nos. 77, 83) to withdraw the fourth amended complaint and proceed on the third amended complaint as provided by the court's screening order is approved;
3. This action shall proceed on plaintiff's third amended complaint, ECF No. 57, against defendants Bick, Elam, Balanon, Doss, Spada, Britton, Spata, Lee, Camper, Perez, Hemenez, Rabbon, and Spaulding on the following claims:
 - a. Plaintiff's first claim against defendants Bick and Elam;
 - b. Plaintiff's third claim against defendant Balanon;
 - c. Plaintiff's fourth claim against defendants Spaulding, Doss, Spada, Britton, and Spata;
 - d. Plaintiff's fifth claim against defendant Lee; and
 - e. Plaintiff's sixth claim against defendants Camper, Perez, Hemenez, Rabbon, and Spaulding; and
4. Plaintiff's second, seventh, eighth, ninth, and tenth claims, and all other defendants, are dismissed for failure to state a claim.

DATED: February 17, 2022.


CHIEF UNITED STATES DISTRICT JUDGE