1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 MARIO MICCIO, No. 2:17-cv-0932 KJM CKD P 12 Plaintiff, 13 v. **ORDER** 14 MIRANDA, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief 18 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided 19 by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On March 14, 2018, the magistrate judge filed findings and recommendations, which were 21 served on plaintiff and which contained notice that any objections to the findings and 22 recommendations were to be filed within fourteen days. Plaintiff has not filed objections to the 23 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 reviewed 27 the file, the court finds the findings and recommendations to be supported by the record and by 28 the magistrate judge's analysis. 1

Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed March 14, 2018 are adopted in full;
- 2. Defendant Kernan is dismissed; and
- 3. This matter is referred back to the magistrate judge assigned to this case.

DATED: May 7, 2018.

UNITED STATES DISTRICT JUDGE