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

MIGUEL MARTINEZ,  
  
                                Plaintiff,  
  
                                v.  
  
C. RIOS, et al.,  
  
                                Defendants.

No. 2:17-CV-2445-JAM-DMC-P

ORDER

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

On November 5, 2019, the Magistrate Judge filed findings and recommendations herein 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 November 5, 2019, are adopted in full;
2. Defendants' unopposed motion to dismiss (ECF No. 15) is granted;
3. Plaintiff's retaliation claim against defendant Rios is dismissed with leave to amend;
4. Plaintiff's due process claims against all defendants are dismissed with leave to amend;
5. Plaintiff may file a first amended complaint within 30 days of the date of this order; and
6. If no first amended complaint is filed within the time provided herein, this action shall proceed on plaintiff's original complaint on plaintiff's retaliation claim against defendant Cisneros only and all other claims and defendants will be dismissed.

DATED: December 18, 2019

/s/ John A. Mendez  
UNITED STATES DISTRICT COURT JUDGE