1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 BALJIT SINGH, No. 2:18-cv-1852 KJM KJN P 12 Plaintiff. 13 **ORDER** v. 14 AGUILERA NICOLAS, 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 August 30, 2018, the magistrate judge filed findings and recommendations, which 21 were served on plaintiff and which contained notice to plaintiff that any objections to the findings 22 and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the 23 findings and recommendations. 24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 25 court has conducted a de novo review of this case. Having reviewed the file, the court finds the 26 findings and recommendations to be supported by the record and by proper analysis. 27 ///// 28 ///// 1

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## Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed August 30, 2018, are adopted in full; and
- 2. Claim two is dismissed for failure to state a claim; and
- 3. The matter is referred back to the assigned Magistrate Judge for all further pretrial proceedings.

DATED: October 30, 2018.

JNITED STATES DISTRICT JUDGE