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

ARON MIRON,
Plaintiff,

v.
J. KR PAN, et al.,
Defendants.

No. 2:18-CV-3267-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 October 16, 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. Timely objections to the findings and recommendations have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304(f), this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 16, 2019, are adopted in full;
2. Defendants’ motion to dismiss (ECF No. 13) is granted in part and denied in part;
3. Defendants’ motion is denied as to plaintiff’s Eighth Amendment claim against defendant J. Krpan regarding the request for knee surgery;
4. Defendants’ motion to dismiss is granted as to all other claims and defendants 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, the action shall proceed on plaintiff’s original complaint against defendant Krpan on plaintiff’s claim regarding the request for knee surgery only.

DATED: December 18, 2019

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