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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MORIANO MILLARE,
Plaintiff,
v.
C. JACKSON, et al.,
Defendants.

No. 2:20-cv-00451-WBS-JDP (PC)

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 15, 2021, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed January 15, 2021, are adopted in full;
2. Plaintiff’s Eighth Amendment, Fourteenth Amendment, and ADA claims are dismissed

1 without leave to amend;

2 3. Plaintiff's First Amendment retaliation claims is dismissed with leave to amend;

3 4. Plaintiff is granted thirty days from the date of this order in which to file an amended
4 complaint; and

5 5. Defendants' motion to dismiss, ECF No. 22, is denied as moot.

6 Dated: February 16, 2021



7 WILLIAM B. SHUBB
8 UNITED STATES DISTRICT JUDGE
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