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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BERNIE AYALA,

 Plaintiff,

 v.

TILLERY, et al.,

 Defendants.

No. 2:20-cv-02014-TLN-DMC

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 the Local Rules.

On June 22, 2022, 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. (ECF No. 28.) Plaintiff filed objections to the findings and recommendations. (ECF No. 34.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304(f), the 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.

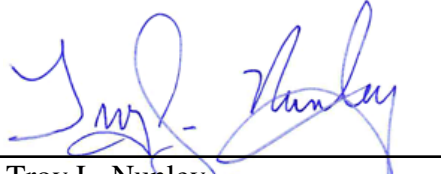
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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations filed June 22, 2022 (ECF No. 28) are ADOPTED in full.
2. Defendant’s Motion to Dismiss (ECF No. 16) is GRANTED in part and DENIED in part as follows:
 - a. Defendants’ Motion is GRANTED as to Plaintiff’s claims against Defendants Cribari, Gaetano, Salcedo, Tillery, and Toles, and such claims are DISMISSED with leave to amend.
 - b. Defendants’ Motion is GRANTED as to Plaintiff’s conspiracy claim, and such claim is DISMISSED with leave to amend.
 - c. Defendants’ motion is DENIED as to Plaintiff’s claims against Defendants Artal, Feltner, and Gann.
3. Plaintiff’s First Amended Complaint (ECF No. 35) is deemed filed in response to this Order and is timely.
4. Defendants shall file a response to Plaintiff’s First Amended Complaint within thirty (30) days of the date of this Order and, thereafter, the matter is referred back to the assigned magistrate judge for further pre-trial proceedings.

DATED: September 29, 2022



Troy L. Nunley
United States District Judge