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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Michael Neal Miller,
Plaintiff,
v.
Ruby Carter, et al.,
Defendants.

No. 2:21-cv-01981-KJM-EFB (PC)

ORDER

On September 13, 2023, the magistrate judge filed findings and recommendations, which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. Defendants filed objections on September 27, 2023, and they were considered by the undersigned.

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

Accordingly, IT IS HEREBY ORDERED that:

- 1. The Findings and Recommendations filed September 13, 2023, are adopted;
- 2. Plaintiff's Motion for Leave to File First Amended Complaint (ECF No. 34) is granted;

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- 3. The Clerk of Court is directed to add defendants S. Cooper and Mostafa Ahady to the docket of this action, and to remove defendant Ruby Carter;
- 4. Defendants’ motion for summary judgment (ECF No. 33) is denied as premature but without prejudice to refile; and
- 5. This case is referred back to the magistrate judge for directing service of the First Amended Complaint on defendants Cooper and Ahady and other pretrial proceedings.

DATED: March 25, 2024.



CHIEF UNITED STATES DISTRICT JUDGE