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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   JOSE N. BETETA,   No. 2:22-cv-00037-DAD-CKD (PC)

12   Plaintiff,

13   v.   ORDER ADOPTING FINDINGS AND
                                                  RECOMMENDATIONS AND GRANTING
14   GRAY,   UNOPPOSED MOTION TO DISMISS
                                                  CERTAIN CLAIMS
15   Defendant.
                                                  (Doc. No. 21, 27)
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17   Plaintiff Jose N. Beteta is a state prisoner proceeding *pro se* and *in forma pauperis* in this

18   civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United

19   States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20   On October 5, 2022, the assigned magistrate judge issued findings and recommendations

21   recommending that defendant's unopposed motion to dismiss plaintiff's claims against defendant

22   Gray in his official capacity (Doc. No. 21) be granted. (Doc. No. 27.) The pending findings and

23   recommendations were served on the parties and contained notice that any objections thereto

24   were to be filed within fourteen (14) days after service. (*Id*. at 2.) No objections have been filed,

25   and the time in which to do so has now passed.

26   In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a

27   *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the

28   findings and recommendations are supported by the record and proper analysis.

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1	Accordingly,
2	1. The findings and recommendations issued on October 5, 2022 (Doc. No. 27) are
3	adopted in full;
4	2. Defendant's motion to dismiss plaintiff's claims against him in his official
5	capacity (Doc. No. 21) is granted;
6	3. This action shall proceed only on plaintiff's claims against defendant in his
7	individual capacity; and
8	4. This action is referred back to the assigned magistrate judge for further
9	proceedings.
10	IT IS SO ORDERED.
11	Dated: **November 17, 2022**
12	UNITED STATES DISTRICT JUDGE