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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AL GENE FISHER, Jr.,

Plaintiff,

v.

GALYEN, et al.,

Defendants.

No. 2:22-cv-01952-TLN-JDP

ORDER

Plaintiff, a county inmate 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 November 13, 2023, 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.

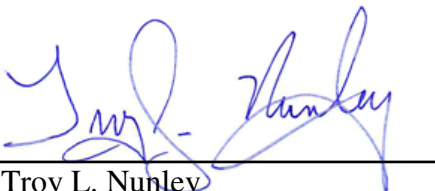
The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed *de novo*. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the Court finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed November 13, 2023 (ECF No. 25) are ADOPTED IN FULL;
2. Defendant Diaz’s Motion to Dismiss (ECF No. 18) is DENIED as premature; and
3. Plaintiff may file an amended complaint no later than thirty (30) days from the electronic filing date of this Order.

Date: December 4, 2023



Troy L. Nunley
United States District Judge