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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BRIAN FRANKLIN THAMES, Plaintiff, vs. N. MUSGRAVE, et al., Defendant.	CASE NO. 08 CV 1483 JM (JMA) **ORDER ADOPTING REPORT AND RECOMMENDATIONS** Doc. Nos. 17, 28

On January 12, 2010, Magistrate Judge Jan M. Adler entered a Report and Recommendation. (Doc. No. 28). The Report and Recommendation, expressly incorporated herein, thoroughly and thoughtfully analyzed Plaintiff's claims and recommended that Defendants' motion to dismiss (Doc. No. 17) be granted in part and denied in part. Plaintiff filed objections to the Report and Recommendation, and Defendants filed a reply. (Doc. Nos. 32, 34). Pursuant to Local Rule 7.1(d)(1), the court finds this matter appropriate for decision without oral argument.

In his objections, Plaintiff sets forth essentially the same arguments raised in his original petition. As the Report and Recommendation fully and properly responds to these arguments, the court hereby adopts the Report and Recommendation in its entirety. Defendants' motion to dismiss is granted in part and denied in part, as detailed in the Report and Recommendations.

IT IS SO ORDERED.

DATED: March 4, 2010

Hon. Jeffrey T. Miller
United States District Judge

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