

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NYLES LAWAYNE WATSON,

Plaintiff,

No. 2:07-cv-01871-LKK-KJN-P

vs.

D. K. SISTO, et al.,

Defendants.

ORDER

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Plaintiff, a state prisoner 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 February 14, 2011, 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 has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

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1 1. The findings and recommendations filed February 14, 2011 (Dkt. No. 96), are
2 adopted in full;

3 2. Defendants' motion to dismiss (Dkt. No. 66) plaintiff's First Amended
4 Complaint is granted in part and denied in part;

5 3. Plaintiff's claims made pursuant to the Americans with Disabilities Act and
6 Rehabilitation Act are dismissed;

7 4. Defendants California Department of Corrections and Rehabilitation and
8 California State Prison-Solano are dismissed; and

9 5. This action shall proceed on plaintiff's First and Eighth Amendment claims
10 pursuant to 42 U.S.C. § 1983, against defendants Traquina, Tan, Rohrer and Sisto, as set forth in
11 the findings and recommendations.

12 DATED: March 29, 2011.

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15 LAWRENCE K. KARLTON
16 SENIOR JUDGE
17 UNITED STATES DISTRICT COURT
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