

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

Benjamin Robert Gallegos v. R. Fernandez, et al.

Gallegos v. Fernandez · No. 2:24-cv-2526 DJC CKD P · Decided December 8, 2025

OPINION

Fernandez

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 BENJAMIN ROBERT GALLEGOS, No. 2:24-cv-2526 DJC CKD P

12 Plaintiff, 13 v. ORDER 14 R. FERNANDEZ, et al., 15 Defendants. 16 17 Plaintiff, a state
prisoner, has filed this civil rights action seeking relief under 42 18 U.S.C. § 1983. The matter was
referred to a United States Magistrate Judge pursuant 19 to 28 U.S.C. § 636(b)(1)(B) and Local
Rule 302. 20 On October 22, 2025, the Magistrate Judge filed findings and 21 recommendations
herein which were served on all parties and which contained notice 22 to all parties that any
objections to the findings and recommendations were to be filed 23 within fourteen days. Neither
party has filed objections to the findings and 24 recommendations. 25 The Court presumes that
any findings of fact are correct. See Orand v. United 26 States, 602 F.2d 207, 208 (9th Cir. 1979).
The Magistrate Judge's conclusions of law 27 are reviewed de novo. See Britt v. Simi Valley
Unified School Dist., 708 F.2d 452, 454 28 (9th Cir. 1983). Having reviewed the file, the Court
finds the findings and 1 | recommendations to be supported by the record and by the magistrate
judge's 2 | analysis. 3 Accordingly, IT IS HEREBY ORDERED that: 4 1. The October 22, 2025,
findings and recommendations are adopted in full; 5 2. Defendants' motion to dismiss (ECF No.
34) is denied; 6 3. Defendants are granted 14 days within which to file an answer; and 7 4, This
matter is referred back to the assigned Magistrate Judge. 8 9 IT IS SO ORDERED. 10 | Dated:
_December 5, 2025 "Daniel A CoD tto— Hon. Daniel alabretta

" UNITED STATES DISTRICT JUDGE

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