

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOHN ALBERT RICHARDSON,	1:09-CV-01151-OWW-DLB PC
Plaintiff,	ORDER ADOPTING FINDINGS AND RECOMMENDATION AND DISMISSING ACTION FOR FAILURE TO STATE A CLAIM
v.	
S. BUTLER,	(DOC. 20)
Defendant.	DISMISSAL COUNTS AS STRIKE PURSUANT TO 28 U.S.C. § 1915(G)

Plaintiff John Albert Richardson ("plaintiff") is a California state prisoner proceeding pro se in this civil rights action pursuant to 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 October 22, 2010, the Magistrate Judge filed a [Findings and Recommendations](#) herein which was served on plaintiff and which contained notice to plaintiff that any objection to the Findings and Recommendations was to be filed within thirty days. Plaintiff did not file a timely Objection to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings

1 and Recommendations to be supported by the record and by proper
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The [Findings and Recommendations](#), filed October 22,
5 2010, is adopted in full;
- 6 2. This action is dismissed for failure to state a claim
7 upon which relief may be granted; and
- 8 3. This dismissal counts as a strike pursuant to 28 U.S.C.
9 § 1915(g).

10

11 IT IS SO ORDERED.

12 **Dated: December 14, 2010**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28