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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY GASTON,

CASE NO. 1:09-cv-01434-AWI-BAM PC

Plaintiff,

ORDER ADOPTING FINDINGS AND
RECOMMENDATION; DISMISSING FEDERAL
CLAIMS, WITH PREJUDICE; AND
REMANDING ACTION TO KERN COUNTY
SUPERIOR COURT

v.

TOMMY REDMON,

Defendant.

(ECF. No. 29)

Plaintiff Anthony Gaston (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Defendant removed this matter from Kern County Superior Court on August 14, 2009. 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 September 12, 2011, the Magistrate Judge issued [findings and recommendations](#) recommending that the federal claims be dismissed for failure to state a claim and the action be remanded to Kern County Superior Court for resolution of any remaining state law claims. The parties were given thirty days within which to file objections, and none were filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations, filed September 12, 2011, is adopted in full;
2. The federal claims in this action, are dismissed, with prejudice, based on Plaintiff's failure to state a claim upon which relief may be granted under section 1983; and
3. The Clerk of the Court is directed to remand the case to Kern County Superior Court and to close this case.

IT IS SO ORDERED.

Dated: November 8, 2011



CHIEF UNITED STATES DISTRICT JUDGE