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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ALFRED CARREIA,

Plaintiff,

v.

JAMES YATES, et al.,

Defendants.

CASE NO. 1:10-CV-00692-AWI-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION FOR FAILURE TO STATE A
CLAIM

(DOC. 12)

DISMISSAL COUNTS AS STRIKE
PURSUANT TO 28 U.S.C. § 1915(G)

Plaintiff Alfred Carreira (“Plaintiff”) is a California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed his first amended [complaint](#) on February 17, 2011. Doc. 11. 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 May 17, 2011, the Magistrate Judge filed a [Findings and Recommendations](#) which was served on Plaintiff and which contained notice to Plaintiff that any objection to the Findings and Recommendations was to be filed within twenty-one days. Doc. 12. Plaintiff filed an [Objection](#) to the Findings and Recommendations on June 7, 2011. Doc. 13.

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 and Recommendations to be supported by the record and by proper analysis. As explained by the Magistrate Judge, to prevail on any § 1983 claim, a plaintiff must demonstrate that he suffered a specific injury as a result of specific conduct of a defendant and show an affirmative link between the injury and the conduct of that defendant. Rizzo v. Goode, 423 U.S. 362, 371-72 (1976). In other

1 words, a particular defendant's liability under § 1983 only exists where a plaintiff makes a showing
2 of personal participation by the defendant in the alleged violation. Taylor v. List, 880 F.2d 1040,
3 1045 (9th Cir. 1989). The amended complaint and objections fail to specifically allege how each
4 Defendant specifically violated Plaintiff's constitutional rights.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The Findings and Recommendations, filed May 17, 2011, is adopted in full;
- 7 2. This action is dismissed for failure to state a claim upon which relief may be granted;
- 8 and
- 9 3. This dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).

10 IT IS SO ORDERED.

11 Dated: August 9, 2011



CHIEF UNITED STATES DISTRICT JUDGE