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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BENJAMIN CARANCHINI,	1:10-CV-02389-OWW-DLB PC
Plaintiff,	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DISMISSING ACTION WITHOUT PREJUDICE
v.	(DOC. 7)
ARNOLD SCHWARZENEGGAR, et al.,	DISMISSAL COUNTS AS STRIKE PURSUANT TO 28 U.S.C. § 1915(G)
Defendants.	

_____ /

Plaintiff Benjamin Caranchini ("Plaintiff") is a former California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed a complaint on December 27, 2010. Doc. 1. 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 June 15, 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. 7. Plaintiff did not file a timely Objection to the Findings and Recommendations.

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

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Findings and Recommendations, filed June 15, 2011, is
8 adopted in full;
- 9 2. The action is dismissed without prejudice pursuant to the
10 favorable termination rule of *Heck v. Humphrey*, 512 U.S.
11 477 (1994); and
- 12 3. This dismissal counts as a strike pursuant to 28 U.S.C.
13 § 1915(g).

14 IT IS SO ORDERED.

15 **Dated: September 6, 2011**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE