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

NEAL DENARD DARNELL,)	NO. 1:11-cv-717 AWI GSA PC
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS
)	(ECF No. 14)
v.)	
)	ORDER DISMISSING ACTION FOR FAILURE TO STATE A CLAIM
HECTOR RIOS, ET AL.,)	UPON WHICH RELIEF MAY BE GRANTED UNDER SECTION 1983
Defendants.)	
<hr/>		ORDER THAT DISMISSAL IS SUBJECT TO 28 U.S.C. § 1915(g)
		ORDER DIRECTING CLERK TO CLOSE CASE

Plaintiff is a former federal prisoner proceeding pro se in this civil rights action. 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 25, 2012, [findings and recommendations](#) were entered, recommending dismissal of this action for failure to state a claim upon which relief can be granted. Plaintiff was provided an opportunity to file objections within thirty days. To date, Plaintiff has not filed objections or otherwise responded to the findings and recommendations.¹

¹ On October 25, 2012, the Court served the findings and recommendations on Plaintiff at his address of record. (ECF No. 14). On November 1, 2012, the findings and recommendations were returned by the U.S. Postal Service as undeliverable. A notation on the envelope indicates that Plaintiff was discharged from CDCR custody. Local Rule 183(b) requires Plaintiff to keep the Court informed of his address.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 305, this
2 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
3 court finds the findings and recommendations to be supported by the record and proper analysis.

4 Accordingly, THE COURT HEREBY ORDERS that:

5 1. The Findings and Recommendations issued by the Magistrate Judge on October 25,
6 2012, are adopted in full;


7 2. This action is dismissed with prejudice, based on Plaintiff's failure to state a claim
8 upon which relief may be granted under section 1983;

9 3. This dismissal is subject to the "three-strikes" provision set forth in 28 U.S.C. §
10 1915(g); and

11 4. The Clerk of Court is directed to close this case.

12 IT IS SO ORDERED.

13 Dated: November 27, 2012


UNITED STATES DISTRICT JUDGE