

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

BENJAMIN M. CARANCHINI,	CASE NO. 1:11-cv-01089-AWI-DLB PC
Plaintiff,	ORDER ADOPTING FINDINGS AND
v.	RECOMMENDATIONS AND DISMISSING
MATTHEW CATE, et al.,	ACTION FOR FAILURE TO OBEY COURT
Defendants.	ORDER AND FAILURE TO STATE A
	CLAIM
	(ECF No. 19)

Plaintiff Benjamin M. Caranchini (“Plaintiff”) is a former California state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On February 14, 2012, the Court dismissed Plaintiff’s complaint for failure to state a claim with leave to amend, and ordered Plaintiff to file an amended complaint within thirty days. No amended complaint was filed. On April 17, 2012, Plaintiff was ordered to show cause within fourteen days why this action should not be dismissed for failure to obey a court order and failure to state a claim. [ECF No. 18](#). 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 11, 2012, 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 fourteen 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 and

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

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The Findings and Recommendations, filed June 11, 2012, is adopted in full; and
- 4 2. This action is DISMISSED for failure to obey the Court's April 17, 2012 Order and  
5 for failure to state a claim;
- 6 3. This dismissal is subject to the three strikes provision of 28 U.S.C. § 1915(g). *Silva*  
7 *v. Vittorio*, 658 F.3d 1090, 1100 (9th Cir. 2011); and
- 8 4. The Clerk of the Court be directed to close this action.

9 IT IS SO ORDERED.

10 Dated: July 21, 2012

11   
12 CHIEF UNITED STATES DISTRICT JUDGE