

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

ANTHNOY X. SMITH,
Plaintiff,
v.
PAROLE BOARD, et al.,
Defendants.

No. 2:19-cv-02454-TLN-DB

ORDER

Plaintiff Anthony Smith (“Plaintiff”), a state prisoner proceeding *pro se*, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. 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 24, 2020, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 24.) On October 8, 2020, Plaintiff filed Objections to the Findings and Recommendations. (ECF No. 25.)

The Court reviews *de novo* those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982); *see also Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the proposed findings of fact to which no objection has been made, the Court assumes its correctness and

1 decides the motions on the applicable law. *See Orand v. United States*, 602 F.2d 207, 208 (9th
2 Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*. *See Britt v. Simi*
3 *Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

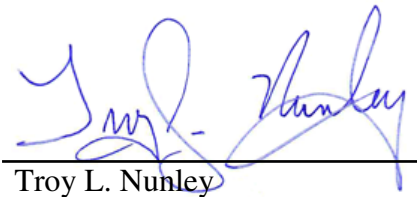
4 Having carefully reviewed the entire file under the applicable legal standards, the Court
5 finds the Findings and Recommendations to be supported by the record and by the magistrate
6 judge's analysis.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The Findings and Recommendations filed September 24, 2020 (ECF No. 24), are
9 adopted in full;
- 10 2. This action is DISMISSED pursuant to Local Rule 110 and Federal Rule of Civil
11 Procedure 41(b); and
- 12 3. The Clerk of the Court is directed to close this case.

13 IT IS SO ORDERED.

14 DATED: December 7, 2020

15
16
17 

18

Troy L. Nunley
19 United States District Judge
20
21
22
23
24
25
26
27
28