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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

TOMMY LEE WILEY, III,
Plaintiff,

v.

CORRECTIONAL OFFICER ROSALES,
et al.,
Defendants.

Case No. CV 19-1837 MWF (PVC)

**ORDER ACCEPTING FINDINGS,
CONCLUSIONS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Second Amended Complaint in the above-captioned matter, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. The time for filing Objections to the Report and Recommendation has passed and no Objections have been received. Accordingly, the Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge, with the following amendment: the case citation on page 14, line 23 of the Report is corrected to read: *Valandingham v. Bojorquez*, 866 F.2d 1135, 1138 (9th Cir. 1989). In particular, the Court agrees with the Magistrate Judge that, after three attempts, any further amendment would be futile.

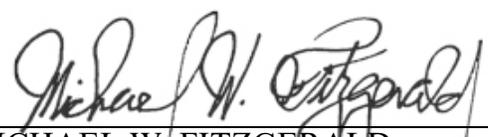
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Defendants' Motion to Dismiss the Second Amended Complaint is thus GRANTED without leave to amend. IT IS ORDERED that Judgment shall be entered dismissing this action with prejudice.

IT IS FURTHER ORDERED that the Clerk serve copies of this Order and the Judgment herein on Plaintiff at his current address of record and on counsel for Defendants.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: April 27, 2021



MICHAEL W. FITZGERALD
UNITED STATES DISTRICT JUDGE