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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
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10 ALDO G. VELASQUEZ,

1:05-cv-00887-LJO-SMS-PC

11 Plaintiff,

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(Doc. 24.)

12 vs.

13 KYLE, et al.,

ORDER DISMISSING ACTION, WITH PREJUDICE,
FOR FAILURE TO STATE A CLAIM

14 Defendants.

ORDER DIRECTING CLERK TO CLOSE CASE

15 _____ /

16 Aldo G. Velasquez ("plaintiff") is a state prisoner proceeding pro se in this civil rights
17 action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge
18 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

19 On February 23, 2009, findings and recommendations were entered, recommending
20 that this action be dismissed, with prejudice, based on plaintiff's failure to state a claim upon which
21 relief may be granted under § 1983. Plaintiff was provided an opportunity to file objections to the
22 findings and recommendations within thirty days. To date, plaintiff has not filed objections or
23 otherwise responded to the findings and recommendations.

24 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 73-
25 305, this court has conducted a de novo review of this case. Having carefully reviewed the entire
26 file, the court finds the findings and recommendations to be supported by the record and proper
27 analysis.
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Accordingly, THE COURT HEREBY ORDERS that:

1. The Findings and Recommendations issued by the Magistrate Judge on February 23, 2009, are adopted in full;
2. This action is dismissed with prejudice, based on plaintiff's failure to state a claim upon which relief may be granted under § 1983; and
3. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

Dated: April 9, 2009

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE