

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

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

CHESTER NEWTON,

1:07-cv-00017-LJO-GSA-PC

Plaintiff,

ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS  
(Doc. 20.)

vs.

B. JOHNSON, et al.,

ORDER DISMISSING ACTION FOR  
FAILURE TO STATE A CLAIM

Defendants.

ORDER DIRECTING CLERK TO CLOSE CASE

\_\_\_\_\_/

Chester Newton (“plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 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 72-302.

On November 20, 2008, findings and recommendations were entered, recommending that this action be dismissed based on plaintiff’s failure to state a claim upon which relief may be granted. Plaintiff was provided an opportunity to file objections to the findings and recommendations within thirty days. To date, plaintiff has not filed objections or otherwise responded to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 73-305, this court has conducted a de novo review of this case. Having carefully reviewed the entire

1 file, the court finds the findings and recommendations to be supported by the record and proper  
2 analysis.

3 Accordingly, THE COURT HEREBY ORDERS that:

4 1. The Findings and Recommendations issued by the Magistrate Judge on November  
5 20, 2008, are adopted in full;

6 2. This action is dismissed with prejudice, based on plaintiff's failure to state a claim  
7 upon which relief may be granted; and

8 3. The Clerk of Court is directed to close this case.

9 IT IS SO ORDERED.

10 **Dated: January 12, 2009**

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

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28