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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JAMES INGRAM,

Plaintiff,

v.

BREWER, et al.,

Defendants.

CASE NO. 1:07-cv-00176-OWW-DLB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
THIRD AMENDED COMPLAINT FOR  
FAILURE TO STATE A CLAIM UPON  
WHICH RELIEF MAY BE GRANTED

(Doc. 20)

THIS DISMISSAL SHALL COUNT AS A  
STRIKE PURSUANT TO 28 U.S.C. §1915(g)

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Plaintiff James Ingram (“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 February 24, 2009, the Magistrate Judge filed a [Findings and Recommendations](#) herein which was served on plaintiff and which contained notice to plaintiff that any objection to the Findings and Recommendations was to be filed within thirty days. Plaintiff filed an [Objection](#) to the Findings and Recommendations on March 23, 2009.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The [Findings and Recommendations](#), filed February 24, 2009, is adopted in full;
- 3 2. This action is dismissed for failure to state a claim upon which relief may be
- 4 granted; and
- 5 3. This dismissal shall count as a strike pursuant to 28 U.S.C. §1915(g).

6 IT IS SO ORDERED.

7 **Dated: April 14, 2009**

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

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