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2 **UNITED STATES DISTRICT COURT**

3 EASTERN DISTRICT OF CALIFORNIA

4 ANTHONY FACESON,

CASE NO. 1:07-cv-00691 LJO DLB PC

5 Plaintiff,

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, AND DISMISSING  
ACTION FOR PLAINTIFF'S FAILURE TO  
STATE A CLAIM UPON WHICH RELIEF  
MAY BE GRANTED

6 v.

7 MAJERICK,

8 Defendant.

(Doc. 16)

9 /

10 Plaintiff Anthony Faceson ("plaintiff") is a state prisoner proceeding pro se in this civil rights  
11 action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge  
12 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.13 On October 23, 2008, the Magistrate Judge filed a [Findings and Recommendations](#) herein  
14 which was served on plaintiff and which contained notice to plaintiff that any objection to the  
15 Findings and Recommendations was to be filed within thirty days. Plaintiff did not file a timely  
16 Objection to the Findings and Recommendations.17 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
18 de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings  
19 and Recommendations to be supported by the record and by proper analysis.

20 Accordingly, IT IS HEREBY ORDERED that:

21 1. The [Findings and Recommendations](#), filed October 23, 2008, is adopted in full; and  
22 2. This action is dismissed for failure to state a claim upon which relief may be  
23 granted. IT IS SO ORDERED.24 Dated: January 7, 200925 /s/ Lawrence J. O'Neill  
26 UNITED STATES DISTRICT JUDGE