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

OSCAR HUMBERTO GARCIA-MEJIA,  
Plaintiff,  
vs.  
GILKEY, et al.,  
Defendants.

1:07-cv-00915-OWW-GSA-PC  
ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS  
(Doc. 38.)  
ORDER DISMISSING ACTION, WITH  
PREJUDICE, FOR FAILURE TO STATE  
A CLAIM  
ORDER DIRECTING CLERK TO  
CLOSE CASE

Oscar Humberto Garcia-Mejia (“plaintiff”) is a federal prisoner proceeding pro se in this civil rights action pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971). 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 27, 2009, 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 under § 1983. 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.<sup>1</sup>

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<sup>1</sup>The United States Postal Service returned the findings and recommendations on March 9, 2009 as undeliverable, with a notation -- Return to Sender, Inmate not at the Institution. However, plaintiff has not notified the court of any change in his address. Absent such notice, service at a party’s prior address is fully effective. Local Rule 83-182(f).

1                   In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 73-  
2 305, this court has conducted a de novo review of this case. Having carefully reviewed the entire  
3 file, the court finds the findings and recommendations to be supported by the record and proper  
4 analysis.

5                   Accordingly, THE COURT HEREBY ORDERS that:

6                   1. The Findings and Recommendations issued by the Magistrate Judge on February  
7 27, 2009, are adopted in full;

8                   2. This action is dismissed with prejudice, based on plaintiff's failure to state a claim  
9 upon which relief may be granted under § 1983; and

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

11 IT IS SO ORDERED.

12 **Dated:** April 9, 2009

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

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