

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RICHARD HUBBARD,

1:07-cv-01225-LJO-SMS

Plaintiff,

**ORDER ADOPTING FINDINGS  
AND RECOMMENDATION (Doc. 8)**

vs.

**ORDER DISMISSING FIRST AMENDED  
COMPLAINT  
(Doc. 7)**

ALJ MR. CHRISTOPHER LARSEN  
OF THE SOCIAL SECURITY  
ADMINISTRATION, et al.,

## Defendants.

**ORDER DISMISSING 1983 CLAIM**

ORDER DIRECTING CLERK TO ISSUE  
SOCIAL SECURITY SCHEDULING  
ORDER, ETC.

Plaintiff, Richard Hubbard ("plaintiff"), is a state prisoner proceeding pro se and in forma pauperis with a civil action in this Court. The matter has been referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rule 72-302(c)(15) and 72-303.

On December 10, 2007, the Magistrate Judge filed Findings and a Recommendation herein which were served on plaintiff and which contained notice to plaintiff that any objections to the Findings and Recommendation were to be filed within thirty (30) days. On January 14, 2008, plaintiff filed a motion to extend

1 time. On January 16, 2008, the court granted plaintiff an  
2 additional twenty (20) days within which to respond. On January  
3 28, 2008, plaintiff filed a request to dismiss the extension of  
4 time as not necessary, stated he had no objections thereto, and  
5 requested that his first amended complaint be forwarded to the  
6 District Judge for review.

7 In accordance with the provisions of 28 U.S.C.  
8 § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a  
9 de novo review of this case. Having carefully reviewed the  
10 entire file, the Court finds the Findings and Recommendation to  
11 be supported by the record and by proper analysis.

12 Accordingly, IT IS HEREBY ORDERED that:

13 1. The Findings and Recommendation, filed December 10,  
14 2007, are ADOPTED IN FULL;

15 2. Plaintiff's first amended complaint against the S.S.A.  
16 Office of Disability Adjudication, filed November 8, 2007, is  
17 DISMISSED, without leave to amend, for failure to state a claim  
18 or a basis for jurisdiction in this Court;

19 3. Plaintiff's claim pursuant to 42 U.S.C. § 1983 is  
20 DISMISSED, without leave to amend, for failure to state a claim  
21 or a basis for jurisdiction in this Court;

22 4. Service is appropriate on the Commissioner of Social  
23 Security, Michael J. Astrue, with respect to plaintiff's claim  
24 against the Commissioner of the SSA pursuant to 42 U.S.C.  
25 §§ 405(g) and 1383;

26 5. The Clerk of Court issue a Scheduling Order  
27 customarily issued in social security cases;

28 //

6. The Clerk of Court send plaintiff:

A. one USM-285 form

B. one summons

C. instruction sheet

D. notice of submission of documents form

#### E. instruction sheet

F. copy of his first amended complaint (Doc. 7);

7. Plaintiff complete the Notice of Submission

of Documents form and submit it to the Court, within **thirty (30)**

**days** from the date of service of this order, together with the

following:

A. completed summons

B. one completed USM-285 form for each defendant

C. three (3) copies of the endorsed first amended

complaint filed November 8, 2007; and

8. The Clerk of Court, upon receipt of the above

documents, forward them to the United States Marshal for service

on above-named defendant pursuant to Federal Rule of Civil

Procedure 4 without payment of costs.

IT IS SO ORDERED.

**Dated: February 3, 2008**

**/s/ Lawrence J. O'Neill**

UNITED STATES DISTRICT JUDGE