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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 RICHARD HUBBARD,

1:07-cv-01225-LJO-SMS

12 Plaintiff,

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

13 vs.

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

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

ORDER DISMISSING 1983 CLAIM

16 Defendants.

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

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

24 On December 10, 2007, the Magistrate Judge filed Findings
25 and a Recommendation herein which were served on plaintiff and
26 which contained notice to plaintiff that any objections to the
27 Findings and Recommendation were to be filed within thirty (30)
28 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 //

1 6. The Clerk of Court send plaintiff:

2 A. one USM-285 form

3 B. one summons

4 C. instruction sheet

5 D. notice of submission of documents form

6 E. instruction sheet

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

8 7. Plaintiff complete the Notice of Submission
9 of Documents form and submit it to the Court, within **thirty (30)**
10 **days** from the date of service of this order, together with the
11 following:

12 A. completed summons

13 B. one completed USM-285 form for each defendant

14 C. three (3) copies of the endorsed first amended
15 complaint filed November 8, 2007; and

16 8. The Clerk of Court, upon receipt of the above
17 documents, forward them to the United States Marshal for service
18 on above-named defendant pursuant to Federal Rule of Civil
19 Procedure 4 without payment of costs.

20 IT IS SO ORDERED.

21 **Dated: February 3, 2008**

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