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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

THON NGOT SANG,

Plaintiff,

v.

A. K. SCRIBNER, et al.,

Defendants.

Case No. 1:07-cv-01759-OWW-DLB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANTS’ MOTION TO DISMISS,
DISMISSING PLAINTIFF’S FIRST
AMENDED COMPLAINT, AND GRANTING
PLAINTIFF LEAVE TO FILE SECOND
AMENDED COMPLAINT WITHIN **THIRTY
(30) DAYS**

/ (Docs. 41, 43)

Plaintiff Thon Ngot Sang (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis 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 October 16, 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 a [statement of non-opposition](#) to the Findings and Recommendations on November 19, 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.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1) The [Findings and Recommendations](#), filed October 16, 2009, is adopted in full;
- 3 2) Defendants' [motion to dismiss](#), filed on May 19, 2009, is granted as stated in the
- 4 Findings and Recommendations;
- 5 3) Plaintiff's [first amended complaint](#), filed on October 24, 2008, is dismissed; and
- 6 4) Plaintiff is granted leave to file a second amended complaint, curing the
- 7 deficiencies identified in the Findings and Recommendations. within **thirty (30)**
- 8 **days** from the date of service of this order. Plaintiff is warned that the failure to
- 9 comply with this order will result in dismissal of this action for failure to obey a
- 10 court order and failure to state a claim upon which relief may be granted.

11 IT IS SO ORDERED.

12 Dated: November 24, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE