

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

NORMAN HALL,

Plaintiff,

v.

JAMES TILTON, et al.,

Defendants.

CASE NO. 1:07-cv-01780 AWI DLB PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, AND DISMISSING  
ACTION FOR FAILURE TO OBEY A COURT  
ORDER AND FAILURE TO STATE A CLAIM

(Doc. 15)

Plaintiff Norman Hall ("plaintiff") is a state prisoner proceeding pro se 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 January 7, 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 twenty days. Plaintiff did not file a timely Objection to the Findings and Recommendations.

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. On November 3, 2008, the court found that the original complaint did not state a claim, gave Plaintiff notice of the complaint's pleading deficiencies, and granted Plaintiff an opportunity to amend. See Lopez v. Smith, 203 F.3d 1122 (9th Cir. 2000) (if court determines that complaint fails to state claim, leave

1 to amend may be granted to extent that complaint's deficiencies can be cured); Noll v. Carlson, 809  
2 F. 2d 1446, 1448 (9th Cir. 1987) (prisoner must be given notice of deficiencies and opportunity to  
3 amend prior to dismissing for failure to state a claim). Because Plaintiff never filed an amended  
4 complaint, this action is subject to dismissal for Plaintiff's failure to state a claim as set forth in the  
5 court's November 8, 2008 and failure to comply with the court's order.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The Findings and Recommendations, filed January 7, 2009, is adopted in full;
- 8 2. This action is DISMISSED, with prejudice, for failure to obey a court order and  
9 failure to state a claim upon which relief may be granted;
- 10 3. The Clerk of the Court is DIRECTED to close this case.

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12 IT IS SO ORDERED.

13 **Dated:** April 16, 2009

14 /s/ Anthony W. Ishii  
15 CHIEF UNITED STATES DISTRICT JUDGE  
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