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

HECTOR MANZANARES,

Plaintiff,

vs.

ISRAEL CRUZ, et al.,

Defendants.

1: 07 CV 1822 AWI WMW PC

ORDER RE: FINDINGS &
RECOMMENDATIONS (#14)

_____ /

Plaintiff is a former state prisoner proceeding pro se in this civil rights action.

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 12, 2009, [findings and recommendations](#) were entered, recommending
dismissal of this action for failure to state a claim upon which relief can be granted. Plaintiff
was provided an opportunity to file objections within thirty days. On January 23, 2009, Plaintiff
filed a motion titled as a motion to reopen. On February 19, 2009, an order was entered, advising
Plaintiff that the original complaint was dismissed, and the recommendation of dismissal was
entered based on Plaintiff's failure to file an amended complaint that alleged facts sufficient to
state a claim for relief. Plaintiff was granted leave to file an amended complaint. Plaintiff was
also specifically cautioned that his failure to do so would result in the submission of the January

1 12, 2009, recommendation of dismissal to the District Court. Plaintiff has not filed objections to
2 the findings and recommendations.

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

7 Accordingly, THE COURT HEREBY ORDERS that:

- 8 1. The Findings and Recommendations issued by the Magistrate Judge on
9 January 12, 2009, are adopted in full; and
- 10 2. This action is dismissed for failure to state a claim upon which relief can
11 be granted. The Clerk is directed to close this case.

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13 IT IS SO ORDERED.

14 **Dated:** April 16, 2009

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