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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MOODY WOODROW TANKSLEY,

Plaintiff,

v.

BLACKWELL, M.D., et al.,

Defendants.

CASE NO. 1:08-cv-00093-OWW-GBC PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS RECOMMENDING  
DISMISSING COMPLAINT, WITH  
PREJUDICE, FOR FAILURE TO STATE A  
CLAIM

(ECF No. 15)

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Plaintiff Moody Woodrow Tanksley (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. A [first amended complaint](#) was filed on August 19, 2009. (ECF No. 11.) On November 10, 2010, the amended complaint was screened and an [order](#) issued dismissing the complaint for failure to state a claim upon which relief may be granted. (ECF No. 11.) Plaintiff was ordered to file an amended complaint within thirty days and informed that failure to file an amended complaint would result in the action being dismissed, with prejudice, for failure to state a claim. No amended complaint was filed. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). On December 30, 2010, [findings and recommendations](#) were issued recommending the action be dismissed and Plaintiff was given twenty days to object. (ECF No. 15.) More than twenty days has past and no objection has been filed.

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.

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Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations, filed December 30, 2010, are adopted in full;
- 2. This action, is dismissed, with prejudice, based on Plaintiff's failure to state a claim upon which relief may be granted under section 1983;
- 3. This dismissal shall count as a strike pursuant to 28 U.S.C. § 1915(g); and
- 4. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

**Dated: February 8, 2011**

**/s/ Oliver W. Wanger**  
**UNITED STATES DISTRICT JUDGE**