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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RICHARD F. CRUZ,

Plaintiff,

v.

SCHWARZENEGGER, et al.,

Defendants.

CASE NO. 1:08-cv-00352-OWW-SMS PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, AND DISMISSING  
ACTION, WITH PREJUDICE, FOR FAILURE  
TO STATE ANY CLAIMS UNDER SECTION  
1983

(Docs. 9 and 10)

Plaintiff Richard F. Cruz 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 February 4, 2009, the Magistrate Judge filed a Findings and Recommendations recommending dismissal of this action. Plaintiff was notified he had thirty days within which to file any objections. No Objection was 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.

Accordingly, IT IS HEREBY ORDERED that:

- 1. The Findings and Recommendations, filed February 4, 2009, is adopted in full; and

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2. This action is dismissed, with prejudice, for failure to state any claims under section 1983.

IT IS SO ORDERED.

**Dated:** April 2, 2009

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE