

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

1 RUBEN BARELA,) 1:08cv1630 OWW GSA
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3)
4 Plaintiff,) ORDER ADOPTING FINDINGS
5) AND RECOMMENDATION
6) (Document 8)
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8 DERMONT GIVENS,)
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Plaintiff Ruben Barela (“Plaintiff”), a state prisoner, is proceeding pro se and in forma pauperis. On October 27, 2008, Plaintiff filed a complaint pursuant to 42 U.S.C. § 1983 alleging that Dermont Givens (“Defendant”), an attorney appointed by the parole board to represent Plaintiff at his parole hearing in June 2008, provided Plaintiff with unconstitutional representation and engaged in unethical practices.

On January 9, 2009, the Magistrate Judge issued Findings and Recommendation that the action be dismissed without leave to amend because Plaintiff failed to state a cognizable claim. Specifically, the Magistrate Judge determined that Defendant was not acting under color of state law at the time of the alleged constitutional violation. The Findings and Recommendation was served on Plaintiff and contained notice that any objections were to be filed within thirty (30) days. On February 10, 2009, Plaintiff filed objections.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(c), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, including the objections, the Court finds that the Findings and Recommendation is supported by the record and proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations dated January 9, 2009, is ADOPTED IN FULL; and
2. The action be DISMISSED.

This terminates this action in its entirety.

IT IS SO ORDERED.

Dated: February 13, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE