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

KENNETH D. MANTHEI,  
Plaintiff,

vs.

ALVAREZ, et al.,  
Defendants.

1:08-cv-01727 AWI-GSA (PC)

ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS  
(Doc. 9.)

ORDER DISMISSING ACTION, WITH  
PREJUDICE, FOR FAILURE TO OBEY  
A COURT ORDER AND FAILURE TO  
STATE A CLAIM

ORDER FOR THIS DISMISSAL TO  
COUNT AS A STRIKE PURSUANT TO  
28 U.S.C. § 1915(g)

ORDER FOR CLERK TO CLOSE CASE

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Kenneth D. Manthei (“plaintiff”) is a former 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, 2010, findings and recommendations were entered, recommending that this action be dismissed based on plaintiff’s failure to obey the court’s order of November 10, 2009, and plaintiff’s failure to state a claim upon which relief may be granted. (Doc. 9.) Plaintiff was provided an opportunity to file objections to the findings and recommendations within thirty days. To date, plaintiff has not filed objections or otherwise responded to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 73-305, this

1 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the  
2 court finds the findings and recommendations to be supported by the record and proper analysis.

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Accordingly, THE COURT HEREBY ORDERS that:

1. The Findings and Recommendations issued by the Magistrate Judge on January 7, 2010, are adopted in full;
2. This action is dismissed, with prejudice, based on plaintiff's failure to comply with the court's order of November 10, 2009, and failure to state a claim;
3. This dismissal shall count as a strike pursuant to 28 U.S.C. § 1915(g); and
4. The Clerk of Court is directed to close this case.

IT IS SO ORDERED.

**Dated: March 9, 2010**

**/s/ Anthony W. Ishii**  
**CHIEF UNITED STATES DISTRICT JUDGE**