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

MICHAEL LOUIS FOSTER,

1:08-cv-01849-LJO-SMS-PC

Plaintiff,

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(Doc. 26.)

vs.

A. ENENMOH, et al.,

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

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

Defendants.

ORDER DIRECTING CLERK TO CLOSE CASE

Michael Louis Foster (“plaintiff”) is a 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 February 19, 2010, [findings and recommendations](#) were entered, recommending that this action be dismissed based on plaintiff’s failure to state a claim upon which relief may be granted under section 1983. (Doc. 23.) On April 12, 2010, plaintiff filed [objections](#) to the findings and recommendations. (Doc. 27.)

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 73-305, this court has conducted a de novo review of this case. Having carefully reviewed the entire

1 file, including plaintiff's objections, the court finds the findings and recommendations to be
2 supported by the record and proper analysis.

3 Accordingly, THE COURT HEREBY ORDERS that:

4 1. The Findings and Recommendations issued by the Magistrate Judge on February
5 19, 2010, are adopted in full;

6 2. This action is dismissed, with prejudice, based on plaintiff's failure to state a claim
7 upon which relief may be granted under section 1983;

8 3. This dismissal shall count as a strike pursuant to 28 U.S.C. § 1915(g); and

9 4. The Clerk of Court is directed to close this case.

10 IT IS SO ORDERED.

11 **Dated:** April 15, 2010

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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