

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JESUS C. BRIONES,

Plaintiff,

v.

ANTHONY HEDGPETH, et al.,

Defendants.

CASE NO. 1:08-cv-01987-OWW-SMS PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
ACTION WITH PREJUDICE FOR FAILURE
TO STATE A CLAIM UNDER SECTION 1983,
AND DIRECTING CLERK OF COURT TO
ENTER JUDGMENT

(Docs. 10 and 11)

ORDER COUNTING DISMISSAL AS A
STRIKE UNDER 28 U.S.C. § 1915(G)

Plaintiff Jesus C. Briones, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 31, 2008. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 14, 2011, a Findings and Recommendations was filed in which the Magistrate Judge screened Plaintiff's second amended complaint and recommended dismissal of the action for failure to state a claim. 28 U.S.C. § 1915A. Plaintiff was notified that his Objection, if any, was due within thirty days. Plaintiff did not file an Objection or otherwise respond to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the 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.

///

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Court adopts the Findings and Recommendations filed on January 14, 2011, in
3 full;
- 4 2. This action is dismissed, with prejudice, for failure to state a claim under section
5 1983;
- 6 3. The Clerk of the Court shall enter judgment against Plaintiff; and
- 7 4. This dismissal counts as a strike under 28 U.S.C. § 1915(g).
- 8

9 IT IS SO ORDERED.

10 **Dated: March 14, 2011**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE