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

GEORGE BERRY STRONG,
Plaintiff,
vs.
KENNETH ELLIOTT,
Defendant.

Case No. 1:09-cv-00583 AWI JLT (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
ORDER DISMISSING THIRTEENTH
AMENDMENT CLAIM
(Doc. 14)

_____ /

Plaintiff is a state prisoner proceeding pro se and *in forma pauperis* with a 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 302.

On October 26, 2010, the Magistrate Judge filed findings and recommendations which were served on Plaintiff and contained noticed that any objections to the findings and recommendations were to be filed within twenty-one days. The twenty-one day period has since expired, and Plaintiff has not filed objections to the findings and recommendations.

In accordance with 28 U.S.C. 636(b)(1)(B) and Local Rule 302, 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 proper analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations of the magistrate judge filed October 26, 2010,
3 are adopted in full;
- 4 2. Plaintiff's Thirteenth Amendment claim is dismissed without leave to amend for
5 failure to state a claim upon which relief may be granted;
- 6 3. This action shall proceed against Defendant only on Plaintiff's Eighth Amendment
7 claim.; and
- 8 4. This action is referred to the Magistrate Judge for further proceedings.
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10 IT IS SO ORDERED.

11 Dated: December 21, 2010

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14 CHIEF UNITED STATES DISTRICT JUDGE
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