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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CHARLES A. ROGERS

CASE NO. 1:09-cv-01027-AWI-GBC (PC)

Plaintiff,

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS DISMISSING, WITH  
PREJUDICE, FEDERAL CLAIMS FOR  
FAILURE TO STATE A CLAIM AND  
REMANDING ACTION TO STATE COURT  
FOR CONSIDERATION OF ANY  
REMAINING STATE LAW CLAIMS

v.

S. PONCE, et al.,

Defendants.

(Doc. No. 13)

\_\_\_\_\_/ CLERK SHALL CLOSE CASE

**ORDER**

Plaintiff Charles A. Rogers ("Plaintiff"), a state inmate, is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United State Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Defendants removed this action from Kings County Superior Court on June 11, 2009. (ECF No. 1.) Plaintiff's original Complaint was dismissed with leave to amend for failure to state any claims. (ECF No. 7.) On December 30, 2010, Plaintiff filed his First Amended Complaint. (ECF No. 8.) The Magistrate Judge dismissed the First Amended Complaint, with leave to amend, on January 7, 2011. (ECF No. 9.) Plaintiff filed a Second Amended Complaint on February 10, 2011. (ECF No. 12.) Upon screening, the Magistrate

1 Judge recommended dismissal of federal claims with prejudice for failure to state a claim  
2 upon which relief may be granted and remand of state claims to state court on February  
3 22, 2011. (ECF No. 13.) Plaintiff was directed to file Objections within thirty days. Plaintiff  
4 has failed to file any Objections or otherwise respond to the Court's Order. Further,  
5 Defendants have filed no response or objection to the recommendation that the Court  
6 remand this case to the Kings County Superior Court.  
7

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 302,  
9 this Court has conducted a de novo review of this case. Having carefully reviewed the  
10 entire file, the Court finds the Findings and Recommendations to be supported by the  
11 record and by proper analysis.  
12

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The Findings and Recommendations, filed February 22, 2011, is ADOPTED;
- 15 2. Plaintiff's Federal Claims contained in his Second Amended Complaint are  
16 DISMISSED with prejudice;
- 17 3. Pursuant to 28 U.S.C. § 1367(c)(3), the Court DECLINES to exercise  
18 supplemental jurisdiction over Plaintiff's state law claims,;
- 19 4. The action is REMANDED forthwith to Kings County Superior Court for  
20 further proceedings concerning any state claims; and  
21
- 22 5. The Clerk shall CLOSE this case.

23 IT IS SO ORDERED.

24 Dated: July 22, 2011

25   
26 CHIEF UNITED STATES DISTRICT JUDGE  
27