

1 Judge warned Plaintiff that if he failed to comply, this action would be dismissed. Plaintiff
2 was given thirty days to file an Objection to the Findings and Recommendations. Well over
3 thirty days passed and, to date, Plaintiff has failed to file an objection or otherwise respond.
4 As a result, there is no pleading on file which sets forth any claims upon which relief may
5 be granted.
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7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local rule 305,
8 this Court has conducted a de novo review of this case. Having carefully reviewed the
9 entire file, the Court finds the Findings and Recommendations to be supported by the
10 record and by proper analysis. Because Plaintiff never filed an amended complaint, this
11 action is subject to dismissal for Plaintiff's failure to state a claim, as set forth in the Court's
12 January 6, 2011 Order, and also subject to dismissal for Plaintiff's failure to comply with
13 that same Order.
14

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. The Findings and Recommendations, filed February 25, 2011, is ADOPTED;
- 17 2. The instant action is DISMISSED WITH PREJUDICE for failure to state a
18 claim and failure to comply with a Court Order;
- 19 3. The Clerk of the Court is DIRECTED to close the case; and
- 20 4. This case shall count as a strike for purposes of 28 U.S.C. § 1915(g).
21

22 IT IS SO ORDERED.

23 Dated: May 13, 2011

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