

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

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

ANTHONY E. MACK,

1:09-cv-02078-AWI-GSA-PC

Plaintiff,

ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS
(Doc. 11.)

vs.

SUSAN HUBBARD, et al.,

ORDER DISMISSING ACTION FOR
FAILURE TO STATE A CLAIM

Defendants.

ORDER THAT DISMISSAL IS SUBJECT
TO 28 U.S.C. § 1915(g)

ORDER DIRECTING CLERK TO CLOSE CASE

_____ /

Anthony E. Mack (“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 302. After reviewing the original complaint, on November 2, 2011, the court found that the original complaint did not state a claim and gave Plaintiff notice of the complaint's pleading deficiencies and an opportunity to amend within thirty days.

When no amended complaint was filed, on December 13, 2011, [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. Plaintiff was provided an opportunity to file objections to the findings and recommendations within thirty days. To date, Plaintiff has not filed objections or otherwise responded to the findings and recommendations.

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
2 Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
3 Court finds the findings and recommendations to be supported by the record and proper analysis.

4 Accordingly, THE COURT HEREBY ORDERS that:

- 5 1. The Findings and Recommendations issued by the Magistrate Judge on December 13,
6 2011, are ADOPTED in full;
- 7 2. This action is DISMISSED with prejudice, based on Plaintiff's failure to state a claim
8 upon which relief may be granted;
- 9 3. This dismissal is subject to the "THREE-STRIKES" provision set forth in 28 U.S.C.
10 § 1915(g); and
- 11 4. The Clerk of Court is directed to CLOSE this case.

12 IT IS SO ORDERED.

13 Dated: February 13, 2012



CHIEF UNITED STATES DISTRICT JUDGE