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

FREDDIE LEE DOSS, SR.,

1:09-cv-02217-AWI-GSA-PC

Plaintiff,

ORDER ADOPTING FINDINGS
AND RECOMMENDATION
(Doc. 7.)

vs.

C/O GALLARDO,

ORDER DISMISSING ACTION FOR
FAILURE TO STATE A CLAIM

Defendant.

ORDER FOR THIS DISMISSAL TO
COUNT AS A STRIKE PURSUANT TO
28 U.S.C. § 1915(g)

ORDER DIRECTING CLERK TO CLOSE CASE

_____ /

Freddie Lee Doss, Sr. ("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.

On December 16, 2010, Findings and a Recommendation were entered, recommending that this action be dismissed based on Plaintiff's failure to state a claim upon which relief may be granted under § 1983. (Doc. 7.) On March 4, 2011, Plaintiff filed objections to the Findings and Recommendation. (Doc. 10.)

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file,

1 including Plaintiff's objections, the Court finds the Findings and Recommendation to be supported
2 by the record and proper analysis. To the extent Plaintiff attempts to raise any state law claims, such
3 as defamation, the court declines to exercise supplemental jurisdiction. See 28 U.S.C. § 1367(c)(3)
4 (court may decline to exercise supplemental jurisdiction over state claims when federal claims are
5 dismissed before trial).

6 Accordingly, THE COURT HEREBY ORDERS that:

- 7 1. The Findings and Recommendation issued by the Magistrate Judge on
8 December 16, 2010, are adopted in full;
- 9 2. This action is dismissed with prejudice, based on Plaintiff's failure to state a
10 claim upon which relief may be granted under § 1983;
- 11 3. This dismissal shall count as a strike pursuant to 28 U.S.C. § 1915(g); and
- 12 4. The Clerk of Court is directed to close this case.

13 IT IS SO ORDERED.

14 Dated: April 13, 2011



CHIEF UNITED STATES DISTRICT JUDGE