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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PRINCE DEON SHOTWELL, JR.,

Plaintiff,

v.

W. A. DUNCAN, et al.,

Defendants.

CASE NO. 1:10-CV-00401-LJO-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL AND
DISMISSING ACTION WITH PREJUDICE
FOR FAILURE TO STATE A CLAIM

(DOC. [10](#))

DISMISSAL COUNTS AS STRIKE
PURSUANT TO 28 U.S.C. § 1915(G)

Plaintiff Prince Deon Shotwell, Jr. (“plaintiff”) is a California 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 2, 2010, the Magistrate Judge filed a [Findings and Recommendations](#) herein which was served on plaintiff and which contained notice to plaintiff that any objection to the Findings and Recommendations was to be filed within thirty days. Plaintiff filed an [Objection](#) to the Findings and Recommendations on December 15, 2010.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), this 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 by proper analysis. Plaintiff’s allegations of a mind map being used on Plaintiff are implausible, and fail to state a claim. *See Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949-50 (2009).

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, filed December 2, 2010, is adopted in full;
2. This action is DISMISSED with prejudice for failure to state a claim upon which relief may be granted; and
3. This dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

Dated: January 6, 2011

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