

1
2
3
4
5 UNITED STATES DISTRICT COURT
6
78 EASTERN DISTRICT OF CALIFORNIA
9
1011 ANTONIO MALDONADO, CASE NO. 1:10-CV-02346-AWI-MJS (PC)
12
13

14 Plaintiff,

15 ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DISMISSING
ACTION WITH PREJUDICE FOR FAILURE
TO STATE A CLAIM AND DIRECTING
CLERK OF COURT TO ENTER
JUDGMENT COUNTING DISMISSAL AS A
STRIKE UNDER 28 U.S.C. § 1915(g)16 v.
17 BENOV, et al.,

18 Defendants.

19 (ECF NO. 12)

20 /
2122 Plaintiff Antonio Maldonado is a federal prisoner proceeding pro se and in forma
pauperis in this civil rights action filed on December 16, 2010 pursuant to Bivens v. Six
Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971). (Compl.,
ECF No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28
U.S.C. 636(b)(1)(B) and Local Rule 302 of the United States District Court for the Eastern
District of California.23 ////
24
25
26
27

1 On March 28, 2012, Findings and Recommendations for Dismissal (Findings and
2 Recommendations, ECF No. 12) were filed in which the Magistrate Judge screened
3 Plaintiff's Complaint and recommended dismissal of the action for failure to state a claim.
4 28 U.S.C. §§ 1915-1915A. Plaintiff was notified that his Objection, if any, was due within
5 fourteen (14) days. Plaintiff did not file an Objection to the Findings and Recommendations.
6

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

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. The Court adopts the Findings and Recommendations filed March 28,
13 2012, in full,
14
15 2. This action is dismissed, with prejudice, for failure to state a claim,
16
17 3. The Clerk of the Court shall enter judgment against Plaintiff, and
18
19 4. This dismissal counts as a strike under 28 U.S.C. § 1915(g).

20 IT IS SO ORDERED.

21 Dated: May 1, 2012

22 
23 CHIEF UNITED STATES DISTRICT JUDGE
24
25
26
27