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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSEPH S. TERRILL,

Plaintiff,

v.

N. GRANNIS, et al.,

Defendants.

CASE NO. 1:11-cv-118 AWI SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
ACTION FOR FAILURE TO STATE A CLAIM
UNDER SECTION 1983, AND DIRECTING
CLERK OF COURT TO ENTER JUDGMENT

(Docs. 11 and 12)

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

_____ /

Plaintiff Joseph S. Terrill, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 24, 2011. 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 November 26, 2012, the Magistrate Judge screened Plaintiff’s amended complaint and issued a findings and recommendations recommending dismissal of the action for failure to state any claims. 28 U.S.C. § 1915A. The thirty-day deadline to file an objection has expired and Plaintiff did not object or otherwise respond to the findings and recommendations.¹

Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

¹ On December 3, 2012, the United States Postal Service returned the findings and recommendations as undeliverable. However, service at a party’s address of record is fully effective. Local Rule 182(f).

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Accordingly, it is HEREBY ORDERED that:

1. The Court adopts the findings and recommendations filed on November 26, 2012, in full;
2. This action is dismissed for failure to state any claims under section 1983, without prejudice as to any due process credit loss claims barred by the favorable termination rule and with prejudice as to all other claims;
3. The Clerk of the Court shall enter judgment against Plaintiff; and
4. This dismissal is subject to the “three-strikes” provision set forth in 28 U.S.C. § 1915(g). Silva v. Di Vittorio, 658 F.3d 1090, 1098-99 (9th Cir. 2011).

IT IS SO ORDERED.

Dated: February 11, 2013



SENIOR DISTRICT JUDGE