1

2

3

4

5   UNITED STATES DISTRICT COURT

6

7   EASTERN DISTRICT OF CALIFORNIA

8   STANLEY SIMS,   CASE NO.   1:11-CV-00140-AWI-MJS (PC)

9
                                               ORDER ADOPTING FINDINGS AND
10   Plaintiff,   RECOMMENDATIONS DISMISSING
                                               ACTION WITH PREJUDICE FOR FAILURE
11   TO STATE A CLAIM AND DIRECTING
                                               CLERK OF COURT TO ENTER
12   v.   JUDGMENT COUNTING DISMISSAL AS A
                                               STRIKE UNDER 28 U.S.C. § 1915(g)
13   W. ULIT,

14   (ECF NO. 11)
                      Defendants.
15

16   _____/

17

18

19   On January 26, 2011, Plaintiff Stanley Sims, a former state prisoner proceeding

20   pro se and in forma pauperis filed this civil rights action pursuant to 42 U.S.C. § 1983.

21   (Compl., ECF No. 1.) The matter was referred to a United States Magistrate Judge pursuant

22   to 28 U.S.C. 636(b)(1)(B) and Local Rule 302 of the United States District Court for the

23   Eastern District of California.

24   On April 26, 2012, Findings and Recommendations for Dismissal (Findings and

25

26   Recommendations, ECF No. 11) were filed in which the Magistrate Judge recommended

27

                                          -1-

dismissal of the action for failure to state a claim and failure to comply with the Court's orders and rules. Plaintiff was notified that his Objection, if any, was due within fourteen (14) days. Plaintiff did not file an Objection to the Findings and Recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), 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.

Accordingly, IT IS HEREBY ORDERED that:

1.   The Court adopts the Findings and Recommendations filed April 26, 2012, in full,

2.   This action is dismissed with prejudice for failure to state a claim and failure to comply with the Court's orders and rules,

3.   The Clerk of the Court shall enter judgment against Plaintiff, and

4.   This dismissal counts as a strike under 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

Dated: June 9, 2012   _____
                          CHIEF UNITED STATES DISTRICT JUDGE