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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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10 BILLY RAE MALDONADO,

11 Plaintiff,

12 vs.

13 JAMES YATES, et al.,

14 Defendants.  
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1:11-cv-01735-LJO-GSA-PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(Doc. 17.)

ORDER DISMISSING ACTION, WITH  
PREJUDICE, FOR FAILURE TO STATE A  
CLAIM UPON WHICH RELIEF MAY  
BE GRANTED UNDER SECTION 1983

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

ORDER FOR CLERK TO CLOSE CASE

19 Billy Rae Maldonado (“plaintiff”) is a state prisoner proceeding pro se in this civil rights  
20 action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate  
21 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

22 On May 7, 2013, [findings and recommendations](#) were entered, recommending that this  
23 action be dismissed based on plaintiff’s failure to state a claim upon which relief may be  
24 granted under §1983. On May 20, 2013, Plaintiff filed [objections](#) to the findings and  
25 recommendations.

26 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this  
27 court has conducted a de novo review of this case. Having carefully reviewed the entire file,  
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1 including Plaintiff's objections, the court finds the findings and recommendations to be  
2 supported by the record and proper analysis.

3 Accordingly, THE COURT HEREBY ORDERS that:

- 4 1. The Findings and Recommendations issued by the Magistrate Judge on May 7,  
5 2013, are adopted in full;
- 6 2. This action is dismissed, with prejudice, based on plaintiff's failure to state a  
7 claim upon which relief may be granted under § 1983;
- 8 3. This dismissal is subject to the "three-strikes" provision set forth in 28 U.S.C. §  
9 1915(g). Silva v. Vittorio, 658 F.3d 1090, 1098 (9th Cir. 2011); and
- 10 4. The Clerk of Court is directed to close this case.

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12 IT IS SO ORDERED.

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14 Dated: June 13, 2013

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