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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MALCOLM J. MOORE,	CASE No. 1:11-cv-01918-LJO-MJS (PC)
Plaintiff,	ORDER ADOPTING FINDINGS AND
v.	RECOMMENDATION FOR DISMISSAL OF
UNKNOWN, et al.,	ACTION WITH PREJUDICE FOR FAILURE
Defendants.	TO COMPLY WITH COURT ORDER AND
	FAILURE TO STATE A CLAIM SUBJECT
	TO 28 U.S.C. § 1915(g)
	(ECF No. 15)

\_\_\_\_\_/ CLERK TO CLOSE CASE

Plaintiff Malcolm J. Moore is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 8.) Plaintiff declined to extend Magistrate Judge jurisdiction to all matters and for all purposes in this case. (ECF No. 10.) 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.

1 On October 23, 2012, Findings and Recommendation for Dismissal of Action with  
2 Prejudice for Failure to Comply with Court Order and Failure to State a Claim (F&R re  
3 Dismiss., ECF No. 15) were filed in which the Magistrate Judge recommended that this  
4 matter be DISMISSED WITH PREJUDICE by the District Judge and that dismissal count  
5 as a strike under 28 U.S.C. § 1915(g) and that the Clerk thereupon terminate all pending  
6 motions, close the file and enter judgment in this case. The parties were notified that  
7 objection, if any, was due within fourteen days. No party filed an objection to the Findings  
8 and Recommendation.  
9

10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has  
11 conducted a de novo review of this case. Having carefully reviewed the entire file, the  
12 Court finds the Findings and Recommendation to be supported by the record and by  
13 proper analysis.  
14

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. The Court adopts the Findings and Recommendation filed October 23,  
17 2012, in full,
- 18 2. This action is dismissed with prejudice for failure to comply with the Court's  
19 order and failure to state a claim,
- 20 3. The Clerk of the Court shall terminate all pending motions, close the file  
21 and enter judgment in this case, and
- 22 4. This dismissal counts as a strike under 28 U.S.C. § 1915(g).  
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25 IT IS SO ORDERED.  
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27 Dated: December 5, 2012

/s/ Lawrence J. O'Neill

UNITED STATES DISTRICT JUDGE

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