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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

ABEL VALENCIA,)	NO. 1:12 cv 01036 LJO GSA PC
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS
v.)	(ECF No. 11)
)	
C. GIBSON, ET AL.,)	ORDER DISMISSING ACTION FOR
)	FAILURE TO STATE A CLAIM
Defendants.)	UPON WHICH RELIEF MAY BE
)	GRANTED UNDER SECTION 1983
<hr/>		
		ORDER THAT DISMISSAL IS
		SUBJECT TO 28 U.S.C. § 1915(g)
		ORDER DIRECTING CLERK TO
		CLOSE CASE

Plaintiff is a state prisoner proceeding pro se in this civil rights action. 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 September 21, 2012, [findings and recommendations](#) were entered, recommending dismissal of this action for failure to state a claim upon which relief can be granted. Plaintiff was provided an opportunity to file objections within thirty days. On October 9, 2012, Plaintiff filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 305, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the

1 court finds the findings and recommendations to be supported by the record and proper analysis.

2 Accordingly, THE COURT HEREBY ORDERS that:

3 1. The Findings and Recommendations issued by the Magistrate Judge on September 21,
4 2012, are adopted in full;

5 2. This action is dismissed with prejudice, based on Plaintiff's failure to state a claim
6 upon which relief may be granted under section 1983;

7 3. This dismissal is subject to the "three-strikes" provision set forth in 28 U.S.C. §
8 1915(g); and

9 4. The Clerk of Court is directed to close this case.

10 IT IS SO ORDERED.

11 **Dated: October 26, 2012**

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