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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL ANTHONY MILLER,)	1:12-cv-01589-LJO-BAM (PC)
)	
Plaintiff,)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS REGARDING
v.)	DISMISSAL OF ACTION FOR FAILURE
)	TO STATE A CLAIM
EDMUND G. BROWN, et al.,)	
)	(ECF Nos. 31, 32)
Defendants.)	
)	
)	

Plaintiff Michael Anthony Miller (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action in the Sacramento Division of the United States District Court for the Eastern District of California on May 3, 2012. (ECF No. 1.) The action was transferred to the Fresno Division of this court on September 27, 2012. (ECF No. 15.)

On July 31, 2013, the Court dismissed Plaintiff’s original complaint with leave to amend. (ECF No. 20.) On December 18, 2013, the Court dismissed Plaintiff’s first amended complaint with leave to amend. (ECF No. 28.) Plaintiff filed a second amended complaint on January 24, 2014. (ECF No. 31.)

On February 6, 2014, the Magistrate Judge issued Findings and Recommendations that this action be dismissed based on Plaintiff’s failure to state a cognizable section 1983 claim. The Findings and Recommendations were served on Plaintiff and contained notice that any

1 objections were to be filed within twenty-one days. (ECF No. 32.) Plaintiff filed objections on
2 February 27, 2014. (ECF No. 33.)

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted
4 a de novo review of this case. Having carefully reviewed the entire file, including Plaintiff's
5 objections, the Court finds the Findings and Recommendations to be supported by the record and
6 by proper analysis.

7 Plaintiff's varied objections, including his frivolous references to the Commercial
8 Affidavit Procedure and "Affidavit of information of felonies and misdemeanors," do not
9 warrant rejection of the Magistrate Judge's findings and recommendations. (ECF No. 33, p. 2.)

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. The Findings and Recommendations, issued on February 5, 2014, are adopted in
12 full;

13 2. This action is DISMISSED based on Plaintiff's failure to state a cognizable
14 section 1983 claim; and

15 3. The dismissal is subject to the "three-strikes" provision set forth in 28 U.S.C. §
16 1915(g).

17 IT IS SO ORDERED.

18 Dated: February 28, 2014

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