

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

WILLIE BOLDS,)	Case No.: 1:12-cv-01754-LJO-BAM (PC)
Plaintiff,)	ORDER ADOPTING FINDINGS AND
v.)	RECOMMENDATIONS AND DISMISSING
J. CAVAZOS, et al.,)	ACTION FOR FAILURE TO STATE A
Defendants.)	COGNIZABLE CLAIM FOR RELIEF
)	[ECF No. 42]
)	
)	
)	

Plaintiff Willie Bolds is appearing *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(1)(B) and Local Rule 302.

On February 9, 2018, the assigned magistrate judge issued findings and recommendations recommending that his action be dismissed for the failure to state a claim upon which relief may be granted. (ECF No. 42.) Plaintiff was given fourteen days to file objections to those findings and recommendations. Plaintiff did not file any objections before the deadline.

On March 6, 2018, the Court adopted the findings and recommendations and dismissed this action for the failure to state a cognizable claim for relief. (ECF No. 43.) Judgment was entered accordingly that same day. (ECF No. 44.)

On March 8, 2018, Plaintiff filed a motion for an extension of time to file objections to the findings and recommendations. (ECF No. 45.) The Court found good cause to grant Plaintiff the

1 extension of time, and vacated its March 6, 2018 order. (ECF No. 46.) Plaintiff was permitted an
2 additional thirty days to file his objections to the findings and recommendations. On March 12, 2018,
3 Plaintiff timely filed his objections to the findings and recommendations, on extension. (ECF No. 47.)

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

8 Plaintiff objects that the assigned magistrate judge cannot make findings and recommendations
9 in this case based on the Ninth Circuit's order vacating and remanding this action. On the contrary,
10 the Ninth Circuit merely found that the magistrate judge previously did not have jurisdiction to
11 dismiss Plaintiff's matter without the consent of all parties. Once remanded, this matter was properly
12 referred to a magistrate judge to make findings and recommendations in accordance with 28 U.S.C. §
13 636 and Local Rule 304, regardless of whether the parties consent to the jurisdiction of a United States
14 Magistrate Judge for other purposes.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. The February 9, 2018 Findings and Recommendations are adopted in full;
- 17 2. The instant action is dismissed for failure to state a cognizable claim for relief; and
- 18 3. The Clerk of Court is directed to terminate this action.

19
20 IT IS SO ORDERED.

21 Dated: March 13, 2018

22 /s/ Lawrence J. O'Neill
23 UNITED STATES CHIEF DISTRICT JUDGE
24
25
26
27
28