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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTONIO LOPEZ-VALLE,

Plaintiff,

vs.

CALIF. CITY CORR. FAC.,

Defendant.

1:13-cv-00338-AWI-GSA-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(Doc. 13.)

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

Antonio Lopez-Valle (“Plaintiff”) is a federal prisoner proceeding pro se in this civil rights action pursuant to Bivens vs. Six Unknown Agents, 403 U.S. 388 (1971). 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 April 24, 2015, [findings and recommendations](#) were entered, recommending that this action be dismissed based on Plaintiff’s failure to state a claim upon which relief may be granted under §1983. (Doc. 13.) Plaintiff was permitted twenty days in which to file

1 objections to the findings and recommendations. The twenty-day time period has expired, and
2 Plaintiff has not filed objections or otherwise responded to the findings and recommendations.¹

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
4 court has conducted a de novo review of this case. Having carefully reviewed the entire file,
5 the court finds the findings and recommendations to be supported by the record and proper
6 analysis.

7 Accordingly, THE COURT HEREBY ORDERS that:

- 8 1. The Findings and Recommendations issued by the Magistrate Judge on April 24,
9 2015, are adopted in full;
- 10 2. This action is dismissed, with prejudice, based on Plaintiff's failure to state a
11 claim upon which relief may be granted under § 1983;
- 12 3. This dismissal is subject to the "three-strikes" provision set forth in 28 U.S.C. §
13 1915(g). Silva v. Vittorio, 658 F.3d 1090, 1098 (9th Cir. 2011); and
- 14 4. The Clerk of Court is directed to close this case.

15 IT IS SO ORDERED.

16 Dated: June 24, 2015

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18 SENIOR DISTRICT JUDGE

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27 ¹ The United States Postal Service returned the order on May 12, 2015 as undeliverable. A notation on
28 the envelope indicates "undeliverable, RTS." However, Plaintiff has not notified the court of any change in his
address. Absent such notice, service at a party's prior address is fully effective. Local Rule 182(f).