UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TORRY BUCHANAN, Plaintiff, v. FRANK X. CHAVEZ, Defendant.	Case No. 1:13-cv-00425-AWI-MJS (PC) ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING ACTION WITH PREJUDICE FOR FAILURE TO STATE A CLAIM UNDER SECTION 1983, AND DIRECTING CLERK OF COURT TO ENTER JUDGMENT ECF NO. 13 ORDER THAT DISMISSAL IS SUBJECT TO 28 U.S.C. § 1915(G)

Plaintiff Torry Buchanan, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on March 22, 2013. 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 30, 2013, the Magistrate Judge issued a findings and recommendations recommending dismissal of this action, with prejudice, for failure to state a claim. (ECF No. 13.) The thirty-day deadline to file an objection was October 30, 2013, and Plaintiff did not object or otherwise respond to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The Findings and Recommendations, filed September 30, 2013, are adopted in

3   full;

4 2. Plaintiff's action is DISMISSED, with prejudice, for failure to state a claim under

5   section 1983;

6 3. The Clerk of the Court shall CLOSE this case; and

7 4. This dismissal is subject to the "three-strikes" provision set forth in 28 U.S.C. §

8   1915(g). Silva v. Di Vittorio, 658 F.3d 1090, 1098-99 (9th Cir. 2011).

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10 IT IS SO ORDERED.

11 Dated: November 14, 2013   _____

                                    SENIOR DISTRICT JUDGE

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