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5 **UNITED STATES DISTRICT COURT**  
6 **EASTERN DISTRICT OF CALIFORNIA**  
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8 CARLOS ISMAEL SANCHEZ,

9 Plaintiff

10 v.

11 J. KIM AND DR. ULIT,

12 Defendants.  
13

CASE No. 1:13-cv-00696 AWI DLB PC

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS,  
RECOMMENDING THIS ACTION BE  
DISMISSED, WITH PREJUDICE, FOR  
FAILURE TO STATE A CLAIM

(ECF No. 9)

14 Plaintiff Carlos Ismael Sanchez (“Plaintiff”) is a state prisoner proceeding pro se in this  
15 civil action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate  
16 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

17 On April 2, 2014, the Court issued an order dismissing the complaint, with leave to amend,  
18 for failure to state a claim (ECF No. 8.) Plaintiff was given thirty days to file an amended  
19 complaint and was cautioned that the failure to do so would result in the dismissal of this action  
20 for failure to state a claim. More than thirty days passed and Plaintiff did not comply or otherwise  
21 respond to the Court’s order. Therefore, on August 13, 2014, the Magistrate Judge issued a  
22 Findings and Recommendation that recommended the action be dismissed, with prejudice, for  
23 failure to state a claim. (ECF No. 9.) Plaintiff did not file any objections to the Findings and  
24 Recommendations. The Court notes that the Findings and Recommendation served on Plaintiff  
25 was returned by the U.S. Postal Service as undeliverable.

26 Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of this  
27 case. Having carefully reviewed the entire file, the Court finds the Findings and  
28 Recommendations to be supported by the record and by proper analysis.

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. The Court adopts the Findings and Recommendations filed on August 13, 2014, in  
3 full;
- 4 2. This action is dismissed, with prejudice, based on Plaintiff's failure to state a claim  
5 upon which relief may be granted under section 1983;
- 6 3. This dismissal is subject to the "three-strikes" provision set forth in 28 U.S.C. §  
7 1915(g). Silva v. Vittorio, 658 F.3d 1090, 1098-99 (9th Cir. 2011); and
- 8 4. The Clerk of the Court is directed to close this case.

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10 IT IS SO ORDERED.

11 Dated: September 30, 2014

  
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13 SENIOR DISTRICT JUDGE