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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF CALIFORNIA
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8 WALTER J. COTO,
9 Plaintiff,

10 vs.

11 D. MOFFETT, et al.,
12 Defendants.

Case No. 1:13 cv 00864 LJO GSA PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF No. 9)

ORDER DISMISSING ACTION FOR
FAILURE TO STATE A CLAIM UPON
WHICH RELIEF MAY BE GRANTED

ORDER THAT DISMISSAL IS SUBJECT
TO 28 U.S.C. § 1915(g)

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21 Plaintiff is a former state prisoner proceeding pro se in this civil rights action pursuant to
22 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28
23 U.S.C. § 636(b)(1).
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25 On January 8, 2015, [findings and recommendations](#) were entered, recommending
26 dismissal of this action for failure to state a claim upon which relief can be granted. Plaintiff was
27 provided an opportunity to file objections within twenty days. To date, Plaintiff has not filed
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1 objections or otherwise responded to the findings and recommendations.¹

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 305, this
3 Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
4 Court finds the findings and recommendations to be supported by the record and proper analysis.
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6 Accordingly, THE COURT HEREBY ORDERS that:

7 1. The findings and recommendations issued by the Magistrate Judge on January 8, 2015,
8 are adopted in full;

9 2. This action is dismissed with prejudice, based on Plaintiff's failure to state a claim
10 upon which relief may be granted under section 1983;

11 3. This dismissal is subject to the "three strikes" provision set forth in 28 U.S.C.
12 §1915(g); and
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14 4. The Clerk of Court is directed to close this case.
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16 IT IS SO ORDERED.

17 /s/ Lawrence J. O'Neill

18 Dated: January 28, 2015

19 UNITED STATES DISTRICT JUDGE
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26 ¹ **Error! Main Document Only.** On January 8, 2015, the Court served the findings and
27 recommendations on Plaintiff at California State Prison Corcoran, where Plaintiff was formerly incarcerated. (ECF
28 No. 9). On January 20, 2015, the findings and recommendations were returned by the U.S. Postal Service as
undeliverable. A notation on the envelope indicates that Plaintiff was discharged from CDCR custody. Local Rule
183(b) requires Plaintiff to keep the Court informed of his address.