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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GUILLERMO VERA,
Plaintiff,
v.
CONNIE GIPSON, Warden,
Defendant(s).

Case No. 1:13-cv-00870-AWI-MJS (PC)
**ORDER ADOPTING FINDINGS AND
RECOMMENDATION DISMISSING
ACTION
(ECF NO. 34)**
**DISMISSAL COUNTS AS STRIKE
PURSUANT TO 28 U.S.C. § 1915(g)**
**CLERK TO TERMINATE ALL PENDING
MOTIONS AND CLOSE CASE**

Plaintiff initiated this action by filing pro se a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court directed the habeas proceeding be converted to a 42 U.S.C. § 1983 civil rights action and that Plaintiff proceed in forma pauperis. On October 27, 2014, the magistrate judge issued findings and recommendation that the action be dismissed with prejudice, that dismissal count as a strike pursuant to 28 U.S.C. § 1915(g), and that the clerk of the court terminate any and all pending motions and close the case. (ECF No. 34, at 3:18-20.) Plaintiff did not object to the findings and recommendation and the time for doing so has expired.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendation to be supported by the record and by proper

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analysis.

Accordingly, it is HEREBY ORDERED that:

1. The court adopts the findings and recommendation filed on October 27, 2014 (ECF No. 34), in full,
2. The action is DISMISSED with prejudice and dismissal shall count as a strike pursuant to the “three strikes” provision set forth in 28 U.S.C. § 1915(g), and
3. The clerk of the court shall terminate all pending motions and close the case.

IT IS SO ORDERED.

Dated: November 20, 2014



SENIOR DISTRICT JUDGE