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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 MARK HUERTA,

12 Plaintiff,

13 vs.

14 M. D. BITER, et al.,

15 Defendants.  
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1:13-cv-0916 AWI EJP (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(Doc. 15.)

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

20 Mark Huerta (“plaintiff”) is a state prisoner proceeding pro se in this civil rights action  
21 pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge  
22 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

23 On March 10, 2015, [findings and recommendations](#) were entered, recommending that  
24 this action be dismissed based on plaintiff’s failure to state a claim upon which relief may be  
25 granted under §1983. Plaintiff was granted thirty days in which to file objections to the  
26 findings and recommendations. Plaintiff requested and was granted two thirty-day extensions  
27 of time to file objections. (Docs. 16, 17, 18, 19.) Plaintiff’s deadlines have now expired, and  
28 as of the date of this order, no objections have been filed.

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this  
2 court has conducted a de novo review of this case. Having carefully reviewed the entire file,  
3 the court finds the findings and recommendations to be supported by the record and proper  
4 analysis. Plaintiff has not adequately alleged deliberate indifference by any defendant, cf.  
5 Nguyen v. Biter, 2015 U.S. Dist. LEXIS 119406 (E.D. Cal. Sept. 8, 2015), nor has he  
6 demonstrated an injury.

7 Accordingly, THE COURT HEREBY ORDERS that:

- 8 1. The Findings and Recommendations issued by the Magistrate Judge on March  
9 10, 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: October 29, 2015

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19 SENIOR DISTRICT JUDGE  
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