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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL G. VALENCIA,
Plaintiff,
v.
WINFRED KOKOR,
Defendant.

Case No. 1:13-cv-01391-LJO-DLB PC
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANT’S MOTION TO DISMISS
WITH LEAVE TO AMEND
(Document 43)

Plaintiff Daniel G. Valencia (“Plaintiff”) is a California state prisoner proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on August 30, 2013. He filed a supplemental complaint on May 24, 2014. On October 28, 2014, Defendant filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). 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 March 11, 2015, the Magistrate Judge issued [Findings and Recommendations](#) that Defendant’s motion be granted and that Plaintiff’s complaint and supplemental complaint be dismissed with leave to amend. The Findings and Recommendations were served on the parties and contained notice that any objections must be filed within thirty days. The parties have not filed objections.

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

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The Findings and Recommendations, filed March 11, 2015, are adopted in full;
- 6 2. Defendant's motion to dismiss (Document 26) is GRANTED; and
- 7 3. Plaintiff's complaint and supplemental complaint are DISMISSED WITH LEAVE
8 TO AMEND. Plaintiff SHALL file a **single, complete amended complaint** within
9 thirty (30) days of the date of service of this order. The amended complaint SHALL
10 be subject to screening and Defendant need not file a response until ordered to do so.
11 IT IS SO ORDERED.

12 Dated: April 20, 2015

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE