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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

HUGO LUA,  
  
                                Plaintiff,  
  
                                v.  
  
O. SMITH, et al.,  
  
                                Defendants.

CASE NO. 1:14-cv-00019-LJO-MJS (PC)  
  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
ACTION WITH PREJUDICE FOR  
FAILURE TO STATE A CLAIM  
  
(ECF No. 18)  
  
DISMISSAL COUNTS AS A STRIKE  
PURSUANT TO 28 U.S.C. § 1915(g)  
  
CLERK TO TERMINATE ALL PENDING  
MOTIONS AND CLOSE CASE

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. (ECF Nos. 1 & 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 of the United States District Court for the Eastern District of California.

On April 7, 2015, the Magistrate Judge issued Findings and Recommendations to dismiss the action with prejudice for failure to state a claim. (ECF No. 18.) Plaintiff filed objections. (ECF No. 21.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has

1 conducted a de novo review of this case. Having carefully reviewed the entire file, the  
2 Court finds the findings and recommendations to be supported by the record and by  
3 proper analysis.

4 Accordingly, it is HEREBY ORDERED that:

- 5 1. The Court adopts the findings and recommendations, filed April 7, 2015  
6 (ECF No. 18.), in full;
- 7 2. The action is DISMISSED with prejudice for failure to state a claim and  
8 dismissal shall count as a strike pursuant to the “three strikes” provision set  
9 forth in 28 U.S.C. § 1915(g); and
- 10 3. The Clerk of the Court shall terminate all pending motions and close the  
11 case.

12  
13 IT IS SO ORDERED.

14 Dated: September 30, 2015

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