



1 recommendation and there is no need to modify the findings and recommendation based  
2 on the objections. Nothing suggests Defendant Gipson was personally involved in review of  
3 Plaintiff's 602 appeal. The case law cited by Plaintiff is not authority otherwise. Plaintiff's  
4 objection that his claims were not liberally construed, that the magistrate judge incorrectly  
5 screened them, and that further leave to amend should have been granted merely  
6 rehashes matters previously considered by the magistrate judge and found deficient for  
7 reasons stated in the findings and recommendation.

8 Plaintiff's objection that the magistrate judge did not address his claim Defendant  
9 Cavazos was deliberately indifferent to the allegedly false rules violation and criminal  
10 charges arising from it similarly fails. The magistrate judge found no cognizable rights  
11 violation relating to the rules violation or otherwise.

12 Plaintiff's conclusory statements relating to claims not asserted in the pleading are  
13 not a basis for objection.

14 Having been instructed as to pleading deficiencies and required corrections, Plaintiff  
15 did not successfully amend. Nothing suggests further amendment would be fruitful.

16 Plaintiff's objections lack merit.

17 Accordingly, it is HEREBY ORDERED that:

- 18 1. The court adopts the findings and recommendation filed on October 30, 2014  
19 (ECF No. 16), in full,
- 20 2. The action is DISMISSED with prejudice and dismissal shall count as a strike  
21 pursuant to the "three strikes" provision set forth in 28 U.S.C. § 1915(g), and
- 22 3. The clerk of the court shall terminate all pending motions and close the case.

23 IT IS SO ORDERED.  
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25 Dated: November 19, 2014

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