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8	UNITED STATES DISTRICT COURT		
9	EASTERN DIST	RICT OF CALIFORNIA	
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11	IRA D. PARTHEMORE,	CASE NO. 1:14-cv-00307-AWI-MJS (PC)	
12	Plaintiff,	ORDER ADOPTING FINDINGS AND	
13	V.	RECOMMENDATION TO DISMISS ACTION WITH PREJUDICE FOR	
14	KIRAN DEEP SINGH TOOR, et al.,	FAILURE TO STATE A CLAIM	
15	Defendants.	(ECF No. 24)	
16 17	Defendants.	DISMISSAL COUNTS AS A STRIKE PURSUANT TO 28 U.S.C. § 1915(g)	
18		CLERK TO TERMINATE ALL PENDING MOTIONS AND CLOSE CASE	
19 20	Plaintiff is a state prisoner proce	eding pro se and in forma pauperis in this civil	
20 21	rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United		
21 22	States Magistrate Judge pursuant to 28	U.S.C. § 636(b)(1)(B) and Local Rule 302 of the	
22	United States District Court for the Eastern District of California.		
23 24	On December 31, 2014, the	Magistrate Judge issued findings and a	
25	recommendation to dismiss the action with prejudice for failure to state a claim. (ECF		
26	No. 24.) Plaintiff filed objections.		
27	In accordance with the provision	ns of 28 U.S.C. § 636(b)(1)(C), the Court has	
28	conducted a de novo review of this cas	e. Having carefully reviewed the entire file, the	

1	Court finds	the findings and recommendation to be supported by the record and by
2	proper analysis. Plaintiff contends that Defendants Toor and Malakkla were deliberately	
3	indifferent to his arthritis pain when they discontinued his prescription for Celebrex and	
4	provided him ineffective medication. However, Plaintiff has failed to allege facts	
5	suggesting deliberate indifference on the part of Defendant Toor in light of Toor's	
6	submission of a Nonformulary Drug Request for Celebrex on Plaintiff's behalf. As with	
7	his prior pleadings, Plaintiff fails to provide details regarding his appeals to Defendant	
8	Malakkla that would suggest Malakkla was deliberately indifferent to Plaintiff's serious	
9	medical needs. Accordingly, Plaintiff's objections do not raise an issue of fact or law	
10	under the findings and recommendations.	
11	Accordingly, it is HEREBY ORDERED that:	
12	1.	The Court adopts the findings and recommendation, filed December 31,
13		2014 (ECF No. 24), in full;
14	2.	The action is DISMISSED with prejudice for failure to state a claim and
15		dismissal shall count as a strike pursuant to the "three strikes" provision set
16		forth in 28 U.S.C. § 1915(g); and
17	3.	The Clerk of the Court shall terminate all pending motions and close the
18		case.
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20	IT IS SO OR	DERED.
21	Dated: <u>Apr</u>	<u>SENIOR DISTRICT JUDGE</u>
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