

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.

19 IT IS SO ORDERED.

20 Dated: April 27, 2015

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22 SENIOR DISTRICT JUDGE