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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAYMOND PEREZ,
Plaintiff,
v.
JUNIOUS,
Defendant.

Case No. 1:14-cv-00458-AWI-JLT (PC)
ORDER ADOPTING FINDINGS AND RECOMMENDATION OF DISMISSAL WITHOUT LEAVE TO AMEND AND TO COUNT AS A STRIKE PER 28 U.S.C. § 1915(g) FOR FAILURE TO STATE A CLAIM
(Docs. 18, 19)
ORDER DIRECTING CASE CLOSURE

Plaintiff, Raymond Perez, is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. Plaintiff filed his Second Amended Complaint on January 8, 2015, alleging a violation of the Eighth Amendment and his rights to due process. Doc. 18. On April 1, 2015, the Magistrate Judge screened it and recommended dismissal without leave to amend for failure to state a claim. Doc. 19. The Findings and Recommendation was served that same date and allowed for filing of objections within thirty days. *Id.* Despite lapse of more than the time granted, Plaintiff failed to file any objections.

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

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations, issued on April 1, 2015 (Doc. 19), is adopted in full;
2. This action is dismissed for Plaintiff's failure to state a claim;
3. Dismissal of this action counts as a strike pursuant to 28 U.S.C. § 1915(g); and
4. The Clerk of the Court is directed to close this action.

IT IS SO ORDERED.

Dated: July 2, 2015



SENIOR DISTRICT JUDGE