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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
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9 MONTE WEATHERINGTON,

10 Plaintiff,

11 vs.

12 S. RIOS, et al.,

13 Defendants.
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1:14-cv-00906-AWI-GSA-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS
(ECF No. 23.)

ORDER DISMISSING CASE, WITH
PREJUDICE, FOR FAILURE TO STATE A
CLAIM

ORDER THAT THIS DISMISSAL IS
SUBJECT TO 28 U.S.C.1915(g)

ORDER FOR CLERK TO CLOSE CASE

17 Monte Weatherington (“Plaintiff”) is a state prisoner proceeding pro se in this civil
18 rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States
19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On April 20, 2017, [findings and recommendations](#) were entered, recommending that
21 this action be dismissed based on Plaintiff’s failure to state a claim upon which relief may be
22 granted under §1983. (ECF No. 23.) Plaintiff was granted fourteen days in which to file
23 objections to the findings and recommendations. (Id.) The fourteen-day time period has
24 expired, and Plaintiff has not filed objections or otherwise responded to the findings and
25 recommendations.¹
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27 ¹ The United States Postal Service returned the findings and recommendations on May 1, 2017, as undeliverable.
28 A notation on the envelope indicates that Plaintiff was “Paroled/Discharged.” However, Plaintiff has not notified
the court of any change in his address. Absent such notice, service at a party’s prior address is fully effective.
Local Rule 182(f).

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
2 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,
3 the court finds the findings and recommendations to be supported by the record and proper
4 analysis.

5 Accordingly, THE COURT HEREBY ORDERS that:

- 6 1. The Findings and Recommendations issued by the Magistrate Judge on April 20,
7 2017, are adopted in full;
- 8 2. This action is DISMISSED, with prejudice, based on plaintiff's failure to state a
9 claim upon which relief may be granted under § 1983;
- 10 3. This dismissal is subject to the "three-strikes" provision set forth in 28 U.S.C. §
11 1915(g). Silva v. Vittorio, 658 F.3d 1090, 1098 (9th Cir. 2011); and
- 12 4. The Clerk of Court is respectfully directed to close this case.

13 IT IS SO ORDERED.

14 Dated: June 8, 2017

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16 SENIOR DISTRICT JUDGE