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1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 JOHN SCURLOCK. CASE NO. 1:14-cv-01974-LJO-MJS (PC) 12 Plaintiff. ORDER ADOPTING FINDINGS AND RECOMMENDATIONS TO DISMISS 13 ٧. COMPLAINT FOR FAILURE TO STATE A **CLAIM AND REQUIRE PLAINTIFF TO** 14 CLIFF ALLENBY, et al., FILE A HABEAS PETITION OR NOTICE 15 OF VOLUNTARY DISMISSAL Defendants. 16 (ECF No. 10) 17 **CLERK TO SEND PLAINTIFF HABEAS PETITION FORM** 18 **CASE TO REMAIN OPEN** 19 THIRTY (30) DAY DEADLINE 20 21 Plaintiff is a civil detainee proceeding pro se and in forma pauperis in this civil 22 rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United 23 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the 24 United States District Court for the Eastern District of California. 25 On February 4, 2015, the Magistrate Judge issued findings and recommendations 26 to dismiss Plaintiff's complaint for failure to state a claim, and to require Plaintiff to file, 27 within thirty days, either a petition for a writ of habeas corpus or a notice of voluntary

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dismissal. (ECF No. 10.) Plaintiff filed no objections.

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

Accordingly, it is HEREBY ORDERED that:

- The Court adopts the findings and recommendations, filed on February 4,
 2015 (ECF No. 10), in full;
- 2. Plaintiff's complaint (ECF No. 1) is DISMISSED for failure to state a claim;
- 3. The Clerk's Office is directed to send Plaintiff a habeas petition form; and
- 4. Plaintiff is required to file a habeas petition or a notice of voluntary dismissal within thirty (30) days of the date of this order.

SO ORDERED

Dated: March 2, 2015

/s/ Lawrence J. O'Neill United States District Judge