

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 JOHN GIPSON,

12 Plaintiff,

13 v.

14 CLIFF ALLENBY, et al.,

15 Defendants.
16
17
18
19
20
21

CASE NO. 1:15-cv-00076-LJO-MJS (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
COMPLAINT FOR FAILURE TO STATE A
CLAIM AND REQUIRE PLAINTIFF TO
FILE A HABEAS PETITION OR NOTICE
OF VOLUNTARY DISMISSAL**

(ECF No. 14)

**CLERK TO SEND PLAINTIFF HABEAS
PETITION FORM**

CASE TO REMAIN OPEN

THIRTY (30) DAY DEADLINE

22 Plaintiff is a civil detainee proceeding pro se and in forma pauperis in this civil
23 rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United
24 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the
25 United States District Court for the Eastern District of California.

26 On February 6, 2015, the Magistrate Judge issued findings and recommendations
27 to dismiss Plaintiff's complaint for failure to state a claim, and to require Plaintiff to file,
28 within thirty days, either a petition for a writ of habeas corpus or a notice of voluntary

1 dismissal. (ECF No. 14.) Plaintiff filed no objections.

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

6 Accordingly, it is HEREBY ORDERED that:

- 7 1. The Court adopts the findings and recommendations, filed on February 6,
8 2015 (ECF No. 14), in full;
- 9 2. Plaintiff's complaint (ECF No. 1) is DISMISSED for failure to state a claim;
- 10 3. The Clerk's Office is directed to send Plaintiff a habeas petition form; and
- 11 4. Plaintiff is required to file a habeas petition or a notice of voluntary
12 dismissal within thirty (30) days of the date of this order.

13 **SO ORDERED**

14 **Dated: March 3, 2015**

15 **/s/ Lawrence J. O'Neill**
16 **United States District Judge**
17
18
19
20
21
22
23
24
25
26
27
28