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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 MICHAEL PERALTA,

12 Plaintiff,

13 v.

14 FRESNO COUNTY POLICE OFFICERS, et
15 al.,

16 Defendants.

Case No. 1:16-cv-01921-LJO-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION FOR FAILURE TO PROSECUTE
AND FAILURE TO STATE A CLAIM

(ECF No. 20)

ORDER THAT DISMISSAL IS SUBJECT
TO 28 U.S.C. § 1915(G)

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18 On December 27, 2016, Plaintiff Michael Peralta, a state prisoner, appearing pro se and
19 in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983. The action was
20 referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local
21 Rule 302.

22 On August 21, 2017, the Magistrate Judge filed findings and recommendations (“F&Rs”)
23 that recommended the matter be dismissed for Plaintiff’s failure to prosecute and failure to state
24 a claim. The F&Rs were served on Plaintiff and contained notice that any objections to the
25 F&Rs were to be filed within thirty days from the date of service. The period for filing
26 objections has passed and no objections have been filed.

27 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted
28 a de novo review of this case. Having carefully reviewed the entire file, the Court finds the

1 F&Rs to be supported by the record and by proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The F&Rs, filed August 21, 2017, are ADOPTED IN FULL;
- 4 2. This action is DISMISSED for failure to prosecute and failure to state a claim;
- 5 3. This dismissal is subject to the “three-strikes” provision set forth in 28 U.S.C. §
6 1915(g). Silva v. Vittorio, 658 F.3d 1090, 1098-99 (9th Cir. 2011); and
- 7 4. The Clerk of the Court is DIRECTED to close this action.

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9 IT IS SO ORDERED.

10 Dated: October 4, 2017

/s/ Lawrence J. O’Neill
UNITED STATES CHIEF DISTRICT JUDGE

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