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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN E. COLBERT,
Plaintiff,
v.
JEFFREY A. BEARD, et al.,
Defendants.

No. 1:17-cv-00445-DAD-GSA (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 13)

Plaintiff John E. Colbert is a state prisoner proceeding *pro se* and *in forma pauperis* with 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.

On June 28, 2019, the assigned magistrate judge screened plaintiff's first amended complaint and issued findings and recommendations recommending that plaintiff's motion for appointment of counsel be denied and that this action be dismissed due to plaintiff's failure to state a claim upon which relief may be granted under § 1983. (Doc. No. 13.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen days after service. (*Id.* at 10.) To date, no objections have been filed, and the time in which to do so has now passed.

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

4 Accordingly,

- 5 1. The findings and recommendations issued on June 28, 2019 (Doc. No. 13) are adopted
6 in full;
- 7 2. Plaintiff's motion for appointment of counsel is denied;
- 8 3. This action is dismissed, with prejudice, due to plaintiff's failure to state a claim upon
9 which relief may be granted; and
- 10 4. The Clerk of the Court is directed to close this case.

11 IT IS SO ORDERED.

12 Dated: October 21, 2019

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15 UNITED STATES DISTRICT JUDGE
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