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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DARRYL BURGHARDT,
Plaintiff,
v.
L. BORGES, et al.,
Defendants.

1:17-cv-01433-AWI-GSA-PC
ORDER ADOPTING FINDINGS AND RECOMMENDATIONS IN FULL (ECF No. 32.)
ORDER DISMISSING CASE, WITH PREJUDICE, FOR FAILURE TO STATE A CLAIM
ORDER FOR CLERK TO CLOSE CASE

Darryl Burghardt (“Plaintiff”) 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 January 26, 2021, findings and recommendations were entered, recommending that this case be dismissed based on Plaintiff’s failure to state a claim upon which relief may be granted under § 1983. (ECF No. 32.) On February 16, 2021, Plaintiff filed objections to the findings and recommendations. (ECF No. 34.)

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,

1 including Plaintiff's objections, the court finds the findings and recommendations to be supported
2 by the record and proper analysis.

3 Accordingly, **IT IS HEREBY ORDERED** that:

- 4 1. The findings and recommendations issued by the Magistrate Judge on January 26,
5 2021, are adopted in full;
- 6 2. This action is dismissed, with prejudice, based on Plaintiff's failure to state a
7 claim upon which relief may be granted under § 1983; and
- 8 3. The Clerk of Court is directed to close this case.

9
10 IT IS SO ORDERED.

11 Dated: April 13, 2021



12 SENIOR DISTRICT JUDGE