UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

XAVIER DMETRI NAILING, 　　　　　Plaintiff, 　　v. J. COTA, et al., 　　　　　Defendants.	Case No. 1:18-cv-00565-LJO-EPG (PC) ORDER ADOPTING FINDINGS AND RECOMMENDATIONS (ECF NOS. 1 & 11) ORDER DISMISSING ACTION ORDER THAT DISMISSAL IS SUBJECT TO 28 U.S.C. § 1915(g) ORDER FOR CLERK TO CLOSE CASE

Xavier Dmetri Nailing ("Plaintiff") is a former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed 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 August 31, 2018, Magistrate Judge Erica P. Grosjean entered findings and recommendations, recommending that this action be dismissed for failure to state a claim. (ECF No. 11, p. 7). Plaintiff was provided an opportunity to file objections to the findings and recommendations. The deadline to file objections has passed, and Plaintiff has not filed objections or otherwise responded to the findings and recommendations.

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,

the Court finds the findings and recommendations to be supported by the record and proper analysis.

Accordingly, THE COURT HEREBY ORDERS that:

1. The findings and recommendations issued by Magistrate Judge Erica P. Grosjean on August 31, 2018, are ADOPTED IN FULL;

2. This action is DISMISSED, with prejudice, based on Plaintiff's failure to state a claim upon which relief may be granted;

3. This dismissal is subject to the "three-strikes" provision set forth in § 1915(g). Coleman v. Tollefson, 135 S. Ct. 1759, 1763 (2015); and

4. The Clerk of Court is directed to CLOSE this case.

IT IS SO ORDERED.

Dated: __October 9, 2018__   _____/s/ Lawrence J. O'Neill_____
                                        UNITED STATES CHIEF DISTRICT JUDGE