

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

JOSE REYMUNDO LEAL,  
  
                    Plaintiff,  
  
          v.  
  
MALIA VANG, et al.,  
  
                    Defendants.

Case No. 1:19-cv-01267-LJO-SAB  
  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
ACTION FOR FAILURE TO STATE A  
CLAIM  
  
(ECF No. 6)

Jose Reymundo Leal (“Plaintiff”), a pretrial detainee proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983.<sup>1</sup> 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 September 9, 2019, Plaintiff’s complaint was screened and he was granted leave to file an amended complaint. (ECF No. 4.) Plaintiff filed an amended complaint on September 26, 2019. (ECF No. 5.) On October 1, 2019, findings and recommendations issued on October 1, 2019 recommending that the amended complaint be dismissed without leave to amend. (ECF No. 6.) The findings and recommendations was served on Plaintiff’s address of record and he was notified that any objections to the findings and recommendations were to be filed within thirty days from the date of service.

---

<sup>1</sup> Plaintiff has subsequently been sentenced and is now in the custody of the California Department of Corrections and Rehabilitation. (ECF No. 7.)

1 On October 7, 2019, Plaintiff filed a notice of change of address and the findings and  
2 recommendations was reserved at his new address. More than thirty days have passed since  
3 Plaintiff was served with the findings and recommendations at his current address and Plaintiff  
4 has not filed objections or otherwise responded.

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

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations, filed October 1, 2019, is ADOPTED IN  
10 FULL;
- 11 2. Plaintiff's amended complaint is DISMISSED WITHOUT LEAVE TO AMEND  
12 for failure to state a claim; and
- 13 3. The Clerk of the Court is DIRECTED to close this matter.

14  
15 IT IS SO ORDERED.

16 Dated: December 13, 2019

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