1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 JIMMY M. GARCIA, No. 1:19-cv-01636-NONE-JDP 12 Plaintiff. ORDER ADOPTING FINDINGS AND RECOMMENDATIONS TO DISMISS CASE 13 UNDER THE FAVORABLE-TERMINATION v. **RULE** 14 SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE, et al., (Doc. No. 8) 15 Defendants. 16 17 18 Plaintiff Jimmy M. Garcia ("Plaintiff") is a state prisoner proceeding pro se and in forma 19 pauperis in this civil rights action 42 U.S.C. § 1983. This matter was referred to a United States 20 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 21 Plaintiff alleges in his complaint that he is innocent of the crime for which he was 22 convicted and claims that the evidence relied upon to convict him was false or flawed. (See Doc. 23 No. 1.) On January 8, 2020, the assigned magistrate judge ordered plaintiff to show cause why 24 this civil rights action should not be barred by the favorable-termination rule of *Heck v*. 25 Humphrey, 512 U.S. 477 (1994). Plaintiff's response to that order reiterated his original 26 arguments and failed to address the holding in *Heck*. (See Doc. No. 7 at 1-2.) 27 On January 24, 2020, the magistrate judge issued findings and recommendations 28 recommending that this action be dismissed under the *Heck* favorable termination rule. (Doc. No.

1 8.) Those findings and recommendations were served on Plaintiff, along with an application form 2 for a writ of habeas corpus, and contained notice that objections were due within fourteen (14) 3 days. (Id. at 1.) Plaintiff has not filed any objections and the time in which to do so has passed. 4 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a 5 de novo review of the case. Having carefully reviewed the entire file, the Court concludes that 6 the findings and recommendations are supported by the record and by proper analysis. 7 Accordingly, IT IS HEREBY ORDERED that: 1. 8 The findings and recommendations issued on January 31, 2020, (Doc. No. 8), are 9 adopted in full; 2. 10 This action is dismissed as barred by *Heck v. Humphrey*; 11 3. The Clerk of the Court is directed to assign a District Judge to this case for the 12 purpose of closing the case; and 4. The Clerk of the Court is directed to close this case. 13 14 IT IS SO ORDERED. 15 Dated: March 4, 2020 16 17 18 19 20 21 22 23 24 25 26 27 28