1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 HERMAN RENE ONTIVEROS, No. 1:19-cv-01651-NONE-EPG (PC) 12 Plaintiff. ORDER ADOPTING FINDINGS AND 13 v. COMPLAINT AND DIRECTING THE 14 CALIFORNIA DEPARTMENT OF CLERK OF COURT TO ASSIGN DISTRICT CORRECTIONS AND JUDGE FOR PURPOSE OF CLOSING CASE 15 REHABILITATION and M. PORTER. (Doc. No. 50) 16 Defendants. 17 18 Plaintiff Herman Rene Ontiveros is a state prisoner proceeding pro se and in forma 19 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The action proceeds on 20 plaintiff's third amended complaint against defendants California Department of Corrections and 21 Rehabilitation and M. Porter for alleged violation of plaintiff's rights to access the courts. This 22 matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 23 24 On January 15, 2021, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's claim for violation of his First Amendment right to access the 25 26 courts set forth in his third amended complaint be dismissed for failure to state a claim because he 27 failed to allege any actual injury, failure to prosecute, and failure to comply with a court order and

that his state-law claims be dismissed, without prejudice, for lack of subject-matter jurisdiction.

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(Doc. No. 50.) Those findings and recommendations were served on the plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (Id. at 9.) No objections have been filed, and the deadline to do so has expired. In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a de novo review of the case. Having carefully reviewed the entire file, the court concludes that the magistrate judge's findings and recommendations are supported by the record and by proper analysis. Accordingly, 1. The findings and recommendations issued on January 15, 2021, (Doc. No. 50), are adopted in full; 2. Plaintiff's First Amendment claims based upon denial of access to the courts are dismissed for failure to state a claim, failure to prosecute, and failure to comply with a court order; 3. Plaintiff's state-law claims are dismissed, without prejudice, for lack of subject-matter jurisdiction; 4. The Clerk of Court is directed to assign a district judge for the purpose of closing this case and to close this case. IT IS SO ORDERED. Dated: **April 2, 2021**