UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RONDEL DELBERT GARDNER,	) Case No.: 1:20-cv-00240-NONE-SAB (PC)
Plaintiff,	)
v.	) ORDER ADOPTING FINDINGS AND RECOMMENDATIONS
GAVIN NEWSOM, et.al.,	) (Doc. Nos. 51, 60)
Defendants.	)

Plaintiff Rondel Delbert Gardner is proceeding *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 14, 2020, the assigned magistrate judge issued findings and recommendations recommending defendants' motion to dismiss be granted. (Doc. No. 61.) The findings and recommendations were served on the parties and contained notice that objections were due within twenty-one (21) days. (*Id.* at 9.) Plaintiff filed objections on November 20, 2020, and defendants filed a response on November 30, 2020. (Doc. Nos. 64, 65.)
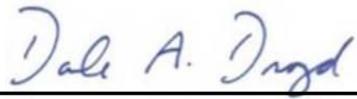
///

///

///

///

1

1   In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a *de*

2 *novo* review of the case. Having carefully reviewed the entire file, including plaintiff's objections and

3 request to present further evidence, the court concludes that the magistrate judge's findings and

4 recommendations are supported by the record and by proper analysis. Plaintiff's objections provide

5 no basis upon which that recommendation could legitimately be rejected.

6   Accordingly,

7   1.   The findings and recommendations issued on October 14, 2020, (Doc. No. 62), are

8   adopted in full;

9   2.   Defendants' motion to dismiss filed on August 27, 2020 (Doc. No. 51) is granted;

10   3.   Plaintiff's due process claim is dismissed for failure to state a cognizable claim; and

11   4.   Defendant California State Prison, Corcoran is dismissed from the action.

13 IT IS SO ORDERED.

14   Dated: **January 8, 2021**   _____

15   UNITED STATES DISTRICT JUDGE