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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONY SEPEDA,

Plaintiff,

v.

E. CLARK,

Defendant.

No. 1:20-cv-00838-NONE-JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION FOR FAILURE TO STATE A
COGNIZABLE FEDERAL CLAIM

(Doc. No. 18)

Plaintiff Tony Sepeda is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought under 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 25, 2021, the assigned magistrate judge filed findings and recommendations, recommending that this action be dismissed for failure to state a cognizable claim under federal law. (Doc. No. 18.) The magistrate judge found that, given that plaintiff had received two opportunities to amend his complaint, granting further leave to amend would be futile. (*Id.* at 7.) The magistrate judge also recommended that the undersigned decline to exercise supplemental jurisdiction over any of plaintiff’s potential state-law claim. (*Id.* at 6.) The findings and recommendations were served on plaintiff and provided him 21 days to file objections thereto. (*Id.* at 7.) Plaintiff has not filed any objections, and the time to do so has passed.

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

4 Accordingly,

- 5 1. The findings and recommendations issued on October 25, 2021 (Doc. No. 18) are
6 adopted in full;
- 7 2. This action is dismissed due to plaintiff's failure to state a cognizable federal
8 claim; and,
- 9 3. The Clerk of the Court is directed to assign a district judge to this action for
10 purposes of closure and to close this case.

11 IT IS SO ORDERED.

12 Dated: December 8, 2021

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15 UNITED STATES DISTRICT JUDGE
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