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4 UNITED STATES DISTRICT COURT  
5 EASTERN DISTRICT OF CALIFORNIA

6 ARTHUR TORRES,

7 Plaintiff,

8 v.

9 DANIEL MAY, et al.,

10 Defendants.

Case No. 1:20-cv-00839-AWI-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
(ECF NOS. 21 & 28)

ORDER DISMISSING ACTION FOR  
FAILURE TO STATE A CLAIM

ORDER FOR CLERK TO CLOSE CASE

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13 Arthur Torres (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in  
14 this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States  
15 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

16 This case proceeds “on Plaintiff’s Fourteenth Amendment due process claim against  
17 defendants May, Shimmin, and Frauenheim.” (ECF No. 9, p. 10). On December 4, 2020,  
18 Defendants filed a motion to dismiss. (ECF No. 21). On March 8, 2021, Magistrate Judge  
19 Erica P. Grosjean entered findings and recommendations, recommending that “Defendants’  
20 motion to dismiss (ECF No. 21) be GRANTED,” and that “[t]he Clerk of Court be directed to  
21 close this case.” (ECF No. 28, p. 11).

22 The parties were provided an opportunity to file objections to the findings and  
23 recommendations. The deadline to file objections has passed, and neither party has filed  
24 objections or otherwise responded to the findings and recommendations.

25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
26 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,  
27 the Court finds the findings and recommendations to be supported by the record and proper  
28 analysis.

1 Accordingly, THE COURT HEREBY ORDERS that:

- 2 1. The findings and recommendations issued by Magistrate Judge Erica P.  
3 Grosjean on March 8, 2021 (Doc. No. 28), are ADOPTED IN FULL;  
4 2. Defendants' motion to dismiss (ECF No. 21) is GRANTED;  
5 3. This action is dismissed for failure to state a claim; and  
6 4. The Clerk of Court is directed to close this case.

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8 IT IS SO ORDERED.

9 Dated: April 16, 2021

  
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SENIOR DISTRICT JUDGE