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3 **UNITED STATES DISTRICT COURT**  
4 **EASTERN DISTRICT OF CALIFORNIA**  
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6 **DAVID ERNESTO MACKEY,**

7 **Plaintiff,**

8 **v.**

9 **MOORE, et al.,**

10 **Defendants.**

**CASE NO. 1:21-cv-00607-AWI-GSA (PC)**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, AND  
DISMISSING CASE FOR LACK OF  
SUBJECT-MATTER JURISDICTION**

(Doc. No. 11)

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13 Plaintiff David Ernesto Mackey is a civil detainee proceeding pro se and in forma pauperis  
14 with this civil rights action under 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).

16 On November 22, 2021, the assigned magistrate judge issued findings and  
17 recommendations, recommending that this case be dismissed based on lack of subject-matter  
18 jurisdiction. Doc. No. 11. The pending findings and recommendations were served on Plaintiff  
19 and contained notice that any objections thereto were to be filed within fourteen days from the  
20 date of service. *Id.* To date, no objections to the findings and recommendations have been filed,  
21 and the time in which to do so has now passed.

22 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a  
23 de novo review of this case. Having carefully reviewed the entire file, the Court concludes that  
24 the findings and recommendations are supported by the record and by proper analysis.  
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26 **ORDER**

27 Accordingly, IT IS HEREBY ORDERED that:

28 1. The findings and recommendations (Doc. No. 11) that were issued on November

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22, 2021, are ADOPTED in full;

2. This case is DISMISSED, with prejudice, for lack of subject-matter jurisdiction;  
and

3. The Clerk is directed to CLOSE this case.

IT IS SO ORDERED.

Dated: December 20, 2021

  
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SENIOR DISTRICT JUDGE