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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM VERA, aka Memo Vera,

Plaintiff,

v.

WARDEN, et al.,

Defendants.

1:22-cv-00893-KES-CDB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION FOR FAILURE TO STATE A
CLAIM

(Doc. 65)

Plaintiff William Vera, also known as Memo Vera, is a state prisoner proceeding pro se and in forma pauperis in a 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 June 10, 2024, the assigned magistrate judge issued findings and recommendations to dismiss this action for plaintiff’s failure to state a claim upon which relief could be granted, following screening of the second amended complaint. Doc. 65. Plaintiff was afforded 14 days within which to file objections. *Id.* at 23-24. Thereafter, on June 25, 2024, the magistrate judge granted plaintiff’s request for a 60-day extension of time within which to file objections. Doc. 68.

On July 8, 2024, plaintiff filed a notice of appeal. Doc. 69. The notice was processed to the Ninth Circuit Court of Appeals and assigned case number 24-4190. Doc. 70. On August 29, 2024, the Ninth Circuit issued its order dismissing the appeal for a lack of jurisdiction. Doc. 72.

In accordance with 28 U.S.C. § 636 (b)(1), this Court has conducted a de novo review of this case. Having reviewed the file, the Court finds the findings and recommendations to be

1 supported by the record and proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The findings and recommendations issued on June 10, 2024 (Doc. 65) are ADOPTED
4 IN FULL;
- 5 2. This action is DISMISSED without leave to amend for plaintiff's failure to state a
6 claim upon which relief can be granted; and
- 7 3. The Clerk of the Court is directed to terminate any pending motions and to close this
8 case.

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11 IT IS SO ORDERED.

12 Dated: November 25, 2024

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UNITED STATES DISTRICT JUDGE