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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	SANDI NIEVES,	Case No.: 1:21-cv-01020-KES-CDB (PC)
12	Plaintiff,	ORDER ADOPTING FINDINGS AND
13	v.	RECOMMENDATIONS AND DISMISSING ACTION, WITH PREJUDICE, FOR FAILURE
14	KATHLEEN ALLISON, et al.,	TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED
15	Defendants.	Doc. 22
16		
17	Plaintiff Sandi Nieves is proceeding pro se and in forma pauperis in this civil rights action	
18	brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate	
19	judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
20	On September 13, 2023, the assigned magistrate judge issued findings and	
21	recommendations recommending that this action be dismissed for Plaintiff's failure to state a	
22	claim upon which relief could be granted. Doc. 22. The findings and recommendations were	
23	served on Plaintiff and contained notice that any objections were to be filed within fourteen (14)	
24	days of service. Id. at 12. On September 21, 2023, Plaintiff requested an extension of time to	
25	file objections. Doc. 23. The magistrate judge granted Plaintiff an extension of thirty days in	
26	which to file objections. Doc. 24. Plaintiff filed her objections on October 20, 2023. Doc. 25.	
27	In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de	
28	novo review of this case. In her objections, Plaintiff asserts that she seeks a settlement of her	

1	claims, and she objects to the court's previous instruction that she pay the filing fee and requests	
2	either a stay or waiver of the filing fee, but she does not meaningfully address the findings and	
3	recommendations. See Doc. 25. Here, Plaintiff was previously granted an opportunity the cure	
4	the defects in her complaint but failed to do so in the first amended complaint. Thus, dismissal of	
5	Plaintiff's case is appropriate and mandatory. Lopez v. Smith, 203 F.3d 1122, 1127 (9th Cir.	
6	2000) ("It is clear that section 1915(e) not only permits but requires a district court to dismiss an	
7	in forma pauperis complaint that fails to state a claim.").	
8	Having carefully reviewed the entire file, including Plaintiff's objections, the Court finds	
9	the findings and recommendations to be supported by the record and proper analysis.	
10	Accordingly, it is ORDERED that:	
11	1. The findings and recommendations issued on September 13, 2023 (Doc. 22) are	
12	ADOPTED IN FULL;	
13	2. Plaintiff's first amended complaint is DISMISSED, with prejudice, for failure to	
14	state a claim upon which relief can be granted; and	
15	3. The Clerk of the Court is directed to terminate all pending motions and to CLOSE	
16	this case.	
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19	IT IS SO ORDERED.	
20	Dated: <u>November 25, 2024</u> UNITED STATES DISTRICT JUDGE	
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