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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

TORIAN AYTMAN,  
Plaintiff,  
v.  
PFIEFFER, *et al.*,  
Defendants.

No. 1:23-cv-0382 JLT BAM (PC)  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DISMISSING THE  
ACTION FOR FAILURE TO STATE A  
CLAIM, AND DIRECTING THE CLERK OF  
COURT TO CLOSE THE CASE  
(Doc. 16)

Torian Aytman is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The assigned magistrate judge screened Plaintiff’s second amended complaint pursuant to 28 U.S.C. § 1915A(a) and found Plaintiff failed to state a cognizable claim upon which relief may be granted. (Doc. 16 at 2-7.) Because the Court informed Plaintiff previously of the relevant legal standards governing his claims and failed to cure the pleading deficiencies, the magistrate judge found further leave to amend was futile and recommended the action be dismissed. (*Id.* at 7-8.)

The Court served Plaintiff with the Findings and Recommendations and notified him that any objections were due within 14 days. (Doc. 16 at 8.) The Court also informed Plaintiff that the failure to file timely objections may result in the waiver of rights on appeal. (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) Plaintiff did not file objections or otherwise communicate with the court regarding this action, and the deadline to file objections has passed.

1 According to 28 U.S.C. § 636(b)(1)(C), this Court performed a *de novo* review of this  
2 case. Having carefully reviewed the entire matter, the Court concludes the Findings and  
3 Recommendations are supported by the record and by proper analysis. Thus, the Court

4 **ORDERS:**

- 5 1. The Findings and Recommendations issued on October 24, 2023 (Doc. 16) are  
6 **ADOPTED** in full.
- 7 2. This action is **DISMISSED** with prejudice for failure to state a cognizable claim  
8 upon which relief may be granted.
- 9 3. The Clerk of Court is directed to close this case.

10 IT IS SO ORDERED.

11 Dated: December 7, 2023

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14 UNITED STATES DISTRICT JUDGE