1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JOSE R. ZAIZA, No. 2:15-cv-0447-KJM-EFB P 12 Plaintiff. 13 **ORDER** v. 14 D. TAMPLEN, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief 18 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided 19 by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On June 14, 2018, the magistrate judge filed findings and recommendations, which were 21 served on all parties and which contained notice to all parties that any objections to the findings 22 and recommendations were to be filed within fourteen days. Neither party has filed objections to 23 the findings and recommendations. 24 The court presumes that any findings of fact are correct. See Orand v. United States, 602 25 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. 26 See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed 27 the file, the court finds the findings and recommendations to be supported by the record and by 28 the proper analysis. 1

Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed June 14, 2018, are adopted in full;
- 2. Plaintiff's claims against defendants Holmes, Schriver, and Damn are dismissed without prejudice; and
- 3. This case is referred back to the assigned magistrate judge for all further pretrial proceedings.

DATED: August 9, 2018.

UNITED STATES DISTRICT JUDGE