1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JON HUMES, No. 2: 17-cv-2503 KJM KJN P 12 Plaintiff, 13 v. **ORDER** 14 XAVIER BECERRA, 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 March 3, 2021, the magistrate judge filed findings and recommendations, which were 21 served on plaintiff and which contained notice to plaintiff that any objections to the findings and 22 recommendations were to be filed within twenty-one days. ECF No. 33. Plaintiff has not filed 23 objections to the findings and recommendations. The court presumes that any findings of fact are correct. See Orand v. United States, 24 25 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed 26 de novo. See Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law 27 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court ///// 28 1

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...."). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

## Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed March 03, 2021, are adopted in full; and
- 2. Plaintiff's second amended complaint is dismissed without leave to amend.

DATED: July 12, 2021.

CHIEF UNITED STATES DISTRICT JUDGE