1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 PETER J. REED, No. 2:18-cv-0038 KJM CKD P 12 Plaintiff. 13 **ORDER** v. 14 D. LEATHERMAN, 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 October 28, 2021, the magistrate judge filed findings and recommendations, which 21 were served on all parties and which contained notice to all parties that any objections to the 22 findings and recommendations were to be filed within fourteen days. Neither party has filed 23 objections to the findings and recommendations. The court presumes that any findings of fact are correct. See Orand v. United States, 602 24 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 magistrate judge's analysis. 1

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## Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed October 28, 2021, are adopted in full;
- 2. This action is dismissed without prejudice; and
- 3. The clerk of court is directed to close this case.

DATED: May 20, 2022.

CHIEF UNITED STATES DISTRICT JUDGI