IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DARON MICHAEL OLIVER,

Plaintiff,

v.

DUANE SHELTON, et al.,

Defendants.

No. 2:18-CV-1809-KJM-DMC

ORDER

Plaintiff, who is proceeding pro se, brings this civil action. The matter was referred to a United States Magistrate Judge as provided by Eastern District of California local rules.

On May 7, 2020, the Magistrate Judge filed findings and recommendations, which were served on the parties and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . . ."). 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 May 7, 2020, are adopted in full;

2. Defendants' unopposed motion to dismiss (ECF No. 43) is granted;

3. Plaintiff's requests for permanent injunctive relief are dismissed without leave to amend;

4. Plaintiff's second amended complaint (ECF No. 36) is dismissed with leave to amend as to his ADA claims;

5. Plaintiff shall file a third amended complaint within thirty (30) days of the date of this order; and

6. This matter is referred back to the assigned magistrate judge for all further pretrial proceedings.

DATED: January 21, 2021.

CHIEF UNITED STATES DISTRICT JUDGE