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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TORIANO GERMAINE SMITH,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS & REHABILITATION,

Defendants.

No. 2:19-cv-02107-TLN-CKD

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 11, 2020, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. (ECF No. 13.) Plaintiff has not filed objections to the findings and recommendations.

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 *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the Court finds the findings and recommendations to be supported by the record and by

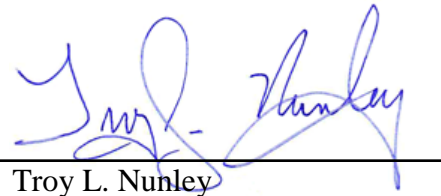
1 the magistrate judge's analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The findings and recommendations filed June 11, 2020 (ECF No. 13), are ADOPTED
4 IN FULL; and
- 5 2. The first amended complaint (ECF No. 12) is DISMISSED without leave to amend for
6 failure to state a claim.
- 7 3. The Clerk of Court is directed to close the case.

8 DATED: July 21, 2020

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Troy L. Nunley
United States District Judge