1		
2		
3		
4		
5		
6		
7		
8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10		
11	DONALD M. BIRD,	No. 2:20-cv-00178-TLN-DMC
12	Plaintiff,	
13	v.	ORDER
14	MAXINE WATERS, et al.,	
15	Defendants.	
16		
17	Plaintiff Donald Bird ("Plaintiff"), who is proceeding pro se, brings this civil action for	
18	mandamus relief. The matter was referred to a United States Magistrate Judge pursuant to 28	
19	U.S.C. § 636(b)(1)(B) and Local Rule 302.	
20	On February 19, 2020, the magistrate judge filed findings and recommendations which	
21	were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings	
22	and recommendations were to be filed within fourteen days. (ECF No. 4.) On February 19,	
23	2020, Plaintiff filed a "Motion to Negate the Findings and Recommendations" (ECF No. 5) which	
24	this Court construes as objections to the findings and recommendations.	
25	This Court reviews de novo those portions of the proposed findings of fact to which	
26	objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore	
27	Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As	
28	to any portion of the proposed findings of fact	to which no objection has been made, the Court
		L

1	assumes its correctness and decides the motions on the applicable law. See Orand v. United	
2	States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are	
3	reviewed de novo. See Britt v. Simi Valley Unified Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).	
4	Having carefully reviewed the entire file under the applicable legal standards, the Court	
5	finds the Findings and Recommendations to be supported by the record and by the magistrate	
6	judge's analysis.	
7	Plaintiff's objections (ECF No. 5) contain neither legal argument nor authority and are	
8	therefore overruled. Further, the Court finds Plaintiff's pleadings could not possibly be cured by	
9	the allegation of other facts. Lopez v. Smith, 203 F.3d 1122, 1130 (9th Cir. 2000); Doe v. United	
10	States, 58 F.3d 484, 497 (9th Cir. 1995)).	
11	Accordingly, IT IS HEREBY ORDERED that:	
12	1. The Findings and Recommendations filed February 19, 2020 (ECF No. 4), are	
13	adopted in full;	
14	2. This action is DISMISSED with prejudice;	
15	3. The Clerk of the Court is directed to terminate ECF No. 5 as a pending motion;	
16	and	
17	4. The Clerk of the Court is further directed to enter judgment and close this file.	
18	IT IS SO ORDERED.	
	DATED: April 7, 2020	
20		
21	- My - Chunkley	
22	Troy L. Nunley United States District Judge	
23		
24		
25		
26		
27		
28	2	