

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNATHAN C. RODRIGUEZ,
Plaintiff,
v.
RALPH DIAZ, et al.,
Defendants.

No. 2:20-cv-1650 KJM AC P
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 as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 13, 2021, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. ECF No. 19. 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 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 . . .”).


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

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed October 13, 2021, ECF No. 19, are adopted in
5 full; and

6 2. The complaint is dismissed for failure to state a claim for the reasons set forth in the
7 April 13, 2020 Screening Order (ECF No. 10). *See* L.R. 110; Fed. R. Civ. P. 41(b); 28 U.S.C.
8 § 1915A.

9 DATED: December 9, 2021.

10
11 
12 _____
13 CHIEF UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28