| Case 2:20-cv-02537-TLN-CKD Docume                                                                 | ent 11 Filed 08/06/21 Page 1 of 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| UNITED STAT                                                                                       | ES DISTRICT COURT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| EASTERN DISTRICT OF CALIFORNIA                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| PABLO JESUS PONCE,                                                                                | No. 2:20-cv-02537-TLN-CKD                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Plaintiff,                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| V.                                                                                                | ORDER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| SHEELA, et al.,                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Defendants.                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 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 July 1, 2021, 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                                                       | fourteen days. 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 magistrat                                                      | e judge's conclusions of law are reviewed <i>de novo</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 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   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| the magistrate judge's analysis.                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|                                                                                                   | EASTERN DIST<br>PABLO JESUS PONCE,<br>Plaintiff,<br>v.<br>SHEELA, et al.,<br>Defendants.<br>Plaintiff, a state prisoner proceeding <i>p</i><br>under 42 U.S.C. § 1983. The matter was refe<br>28 U.S.C. § 636(b)(1)(B) and Local Rule 302<br>On July 1, 2021, the magistrate judge<br>were served on Plaintiff and which contained<br>and recommendations were to be filed within<br>the findings and recommendations.<br>The Court presumes that any findings<br>F.2d 207, 208 (9th Cir. 1979). The magistrat<br><i>See Britt v. Simi Valley Unified School Dist.</i> ,<br>the file, the Court finds the findings and recom |

|         | Case 2:20-cv-02537-TLN-CKD Document 11 Filed 08/06/21 Page 2 of 2           |
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| 1       | Accordingly, IT IS HEREBY ORDERED that:                                     |
| 2       | 1. The findings and recommendations filed July 1, 2021 are ADOPTED IN FULL; |
| 3       | 2. This action is DISMISSED without prejudice; and                          |
| 4       | 3. The Clerk of Court is directed to close the case.                        |
| 5       |                                                                             |
| 6       | DATED: August 4, 2021                                                       |
| 7       |                                                                             |
| 8<br>9  | my - Hunley                                                                 |
| 9<br>10 | Troy L. Nunley                                                              |
| 11      | United States District Judge                                                |
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