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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES DENERICK NELSON, JR.,  
Plaintiff,  
v.  
KATHLEEN ALLISON, et al.,  
Defendants.

No. 2:21-cv-02150-DAD-DB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND GRANTING  
DEFENDANT’S MOTION FOR JUDGMENT  
ON THE PLEADINGS

(Doc. Nos. 34, 42)

Plaintiff James Denerick Nelson, Jr. is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action 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 10, 2023, the assigned magistrate judge issued findings and recommendations recommending that defendant’s motion for judgment on the pleadings (Doc. No. 34) be granted because “plaintiff’s allegation that defendant’s failure to announce Wiccan group worship on one occasion, is not sufficient to show a substantial burden on his right to free exercise of religion.” (Doc. No. 42 at 5.) The magistrate judge recommended that plaintiff’s complaint, in which plaintiff asserts only that defendant violated his right to free exercise of religion, be dismissed without leave to amend. (*Id.* at 1, 3–6.) The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within twenty-one

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1 (21) days after service. (*Id.* at 7–8.) No objections to the findings and recommendations have  
2 been filed, and the time in which to do so has now passed.

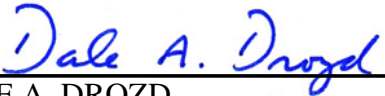
3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, the  
4 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the  
5 court concludes that the findings and recommendations are supported by the record and proper  
6 analysis.

7 Accordingly:

- 8 1. The findings and recommendations issued on July 10, 2023 (Doc. No. 34) are  
9 adopted in full;
- 10 2. Defendant’s motion for judgment on the pleadings (Doc. No. 42) is granted;
- 11 3. This action is dismissed; and
- 12 4. The Clerk of the Court is directed to close this case.

13 IT IS SO ORDERED.

14 Dated: December 12, 2023

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17 DALE A. DROZD  
18 UNITED STATES DISTRICT JUDGE  
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