

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

LAQUINTON D. BOWERS,  
Plaintiff,

v.

CALIFORNIA STATE PRISON  
SACRAMENTO, et al.,  
Defendants.

No. 2:22-cv-01919-DAD-AC (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
ACTION DUE TO PLAINTIFF'S FAILURE  
TO STATE A COGNIZABLE CLAIM

(Doc. No. 5)

Plaintiff LaQuinton D. Bowers is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 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 November 29, 2022, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without leave to amend, due to plaintiff's failure to state a cognizable claim upon which relief may be granted. (Doc. No. 5.) Those pending findings and recommendations were served on plaintiff and contained notice that any objection thereto were to be filed within twenty-one (21) days after service.

On January 5, 2023, plaintiff filed a form notice of appeal that stating that the filing is plaintiff's objections to the findings and recommendations. (Doc. No. 8 at 1.) This form document does not contain any explanation of any objections to the pending findings and

1 recommendations that plaintiff may have. Accordingly, plaintiff's filing provides no basis upon  
2 which to reject the pending findings and recommendations.

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

7 Accordingly:

- 8 1. The findings and recommendations issued on November 29, 2022 (Doc. No. 5) are  
9 adopted in full;
- 10 2. This action is dismissed without leave to amend due to plaintiff's failure to state a  
11 claim; and
- 12 3. The Clerk of the Court is directed to close this case.

13 IT IS SO ORDERED.

14 Dated: January 24, 2023

15   
16 \_\_\_\_\_  
17 UNITED STATES DISTRICT JUDGE  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28