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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

TAIFUSIN CHIU,  
Plaintiff,  
v.  
THE PRESIDENT OF U.S., et al.,  
Defendants.

No. 2:23-cv-00097-DJC-JDP PS

ORDER

On April 6, 2023, the Magistrate Judge filed Findings and Recommendations herein which were served on the parties and which contained notice that any objections to the Findings and Recommendations were to be filed within fourteen days. (ECF No. 6.) Plaintiff has not filed objections.

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 . . .”).

Having reviewed the file, the Court finds the Findings and Recommendations to be supported by the record and by the proper analysis. Following the April 6, 2023 Findings and Recommendation being issued, Plaintiff filed an unauthorized amended

1 complaint (ECF No. 7) and an in forma pauperis application (ECF No. 8). The in forma  
2 pauperis application is moot as Plaintiff was already granted leave to proceed in forma  
3 pauperis. (See ECF No. 6.)

4 Plaintiff's First Amended Complaint also does not resolve the issues raised in  
5 the Findings and Recommendations. (See ECF Nos. 6, 7.) The Magistrate Judge  
6 recommended dismissal as the original complaint "contain[ed] no allegations  
7 concerning an identifiable incident." (ECF No. 6 at 2.) The First Amended Complaint  
8 similarly contains no allegations simply stating "behavior of violence, stop the  
9 violence" three times with no additional information or allegations. (ECF No. 7 at 3-5.)  
10 As this amended complaint does nothing to resolve the issues identified in the April 2,  
11 2023 Findings and Recommendations, they will be adopted and both the original  
12 complaint and the First Amended Complaint will be dismissed without leave to  
13 amend.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The proposed Findings and Recommendations filed April 6, 2023, are  
16 ADOPTED in full;
- 17 2. Plaintiff's complaint (ECF No. 1) and First Amended Complaint (ECF No. 7)  
18 are DISMISSED without leave to amend;
- 19 3. Plaintiff's Motion to Proceed In Forma Pauperis (ECF No. 8) is DENIED as  
20 moot; and
- 21 4. The Clerk of Court is directed to close this matter.

22  
23 IT IS SO ORDERED.

24 Dated: May 30, 2023

  
25 Hon. Daniel J. Calabretta  
26 UNITED STATES DISTRICT JUDGE