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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ANDRE SMITH-LOVEJOY,	)	3:12-cv-00213-ECR-WGC
	)	
Plaintiff,	)	<b><u>Order</u></b>
	)	
vs.	)	
	)	
ELDORADO HOTEL & CASINO; HOTEL	)	
MANAGER,	)	
	)	
Defendants.	)	
	)	
	)	

On April 20, 2012, the Magistrate Judge filed a Report and Recommendation (#3) recommending that Plaintiff's Motion for Leave to Proceed in forma pauperis (#1) be denied and that Plaintiff's Complaint (#1-1) be dismissed with prejudice. No objections were filed.

The Magistrate Judge's Report and Recommendation is well taken and approved. Plaintiff's application indicates that he is able to afford the \$350.00 filing fee, and, in any event, Plaintiff has proceeded to file the Complaint (#6). Accordingly, Plaintiff's Motion to Proceed in forma pauperis (#1) must be denied.

Furthermore, the Complaint must be dismissed with prejudice. A suit brought pursuant to 42 U.S.C. § 1983 can only be brought against a state actor, Wood v. Ostrader, 879 F.2d 583, 587 (9th Cir. 1989),

1 and section 1983 does not provide a cause of action for violations of  
2 state law. Galen v. Cty. of Los Angeles, 477 F.3d 652, 662 (9th Cir.  
3 2007). Defendant is not a state actor, and Plaintiff does not allege  
4 a constitutional violation, but violations of state law. We also  
5 dismiss this suit with prejudice because we find that it is legally  
6 frivolous, as was Plaintiff's prior case that we dismissed as  
7 frivolous, Smith-Lovejoy v. Physician's Mutual Insurance, 3:12-cv-  
8 00011-ECR-VPC.

9  
10 **IT IS, THEREFORE, HEREBY ORDERED** that the Magistrate Judge's  
11 Report and Recommendation (#3) is well taken and is **APPROVED** and  
12 **ADOPTED**.

13 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Leave to  
14 Proceed in forma pauperis (#1) is **DENIED**.

15 **IT IS FURTHER ORDERED** that Plaintiff's Complaint (#6) is  
16 **DISMISSED WITH PREJUDICE**.

17 **IT IS FURTHER ORDERED** that Plaintiff's Motions (##3, 4) are  
18 **DENIED** as moot.

19  
20 The Clerk shall enter judgment accordingly.

21 The Clerk shall not accept any further filings in this matter.  
22  
23

24 DATED: September 25, 2012.

25   
26 UNITED STATES DISTRICT JUDGE