UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

John Moises Nieto, Plaintiff, v. Lynch, et al., Defendants.	No. 2:23-cv-00063 KJM AC P ORDER

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 as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 16, 2024, the magistrate judge filed findings and recommendations, 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. ECF No. 12. 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 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

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. . . ."). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

IT IS HEREBY ORDERED that:

1. The findings and recommendations filed January 16, 2024 (ECF No. 12), are adopted in full.

2. The complaint is dismissed for failure to state a claim for the reasons set forth in the October 17, 2023 Screening Order (ECF No. 8). *See* L.R. 110; Fed. R. Civ. P. 41(b); 28 U.S.C. § 1915A.

3. The Clerk of the Court is directed to close this case.

DATED: April 3, 2024.

CHIEF UNITED STATES DISTRICT JUDGE