

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

David D. Harris v. United States of America

No. 2:22-cv-01970-KJM-JDP (PC), United States District Court for the Eastern District of California (March 6,
2023)

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge's findings and recommendations after the plaintiff filed no objections. The court dismissed the second amended complaint without leave to amend for failure to state a claim, denied the plaintiff's motion for judgment as moot, and directed the clerk to close the case.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 DAVID D. HARRIS, Case No. 2:22-cv-01970-KJM-JDP (PC) 12 Plaintiff,
13 v. ORDER 14 UNITED STATES OF AMERICA, 15 Defendant. 16 17 Plaintiff, a state
prisoner proceeding pro se, has filed this civil rights action seeking relief 18 under 42 U.S.C. §
1983.

The matter was referred to a United States Magistrate Judge as provided 19 by 28 U.S.C. § 636(b)
(1)(B) and Local Rule 302. 20 On January 9, 2023, the magistrate judge filed findings and
recommendations, which were 21 served on plaintiff and which contained notice to plaintiff that
any objections to the findings and 22 recommendations were to be filed within fourteen days.

Plaintiff has not filed objections to the 23 findings and recommendations. 24 The court presumes
that any findings of fact are correct. See *Orand v. United States*, 25 602 F.2d 207, 208 (9th Cir.
1979). The magistrate judge's conclusions of law are reviewed 26 de novo. See *Robbins v. Carey*,
481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law 27 by the magistrate judge are
reviewed de novo by both the district court and [the appellate] court 28 // 1 |...”).

Having reviewed the file, the court finds the findings and recommendations to be 2 || supported by
the record and by the proper analysis. 3 Accordingly, IT IS HEREBY ORDERED: 4 1. The
findings and recommendations filed January 9, 2023, are adopted in full; 5 2. Plaintiff's second
amended complaint is dismissed without leave to amend for failure 6 | to state a claim; 7 3.

Plaintiff's motion for judgment, ECF No. 9, is denied as moot; and 8 4. The Clerk of Court is
directed to close the case. 9 | DATED: March 6, 2023. 10 1 eee CHIEF ED STATES DISTRICT
JUDGE 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

