

**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)

OPINION

(PC) Harris v. United States

PER CURIAM.

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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

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