UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN ROBERT GALLEGOS, Plaintiff, v. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, et al., Defendants.	No. 2:24-cv-1595 DJC AC P ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 23, 2025, the Magistrate Judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 13. After Plaintiff failed to object, the undersigned adopted the Magistrate Judge's findings and recommendation in full, construed the Addendum (ECF No. 12) as a First Amended Complaint, dismissed the First Amended Complaint without leave to amend for failure to state a claim for relief, and ordered the case be closed. ECF No. 14.

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On January 20, 2026, Plaintiff filed a motion for reconsideration. ECF No. 16. The undersigned granted the motion, reopened the case, and afforded Plaintiff twenty-one days to file objections to the Magistrate Judge's October 23, 2025, findings and recommendations. ECF No. 17. Plaintiff filed a motion for an extension, which was granted. ECF Nos. 18, 19. Plaintiff has filed objections to the findings and recommendations. ECF No. 20.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (ECF No. 13) are adopted in full; and

2. The "Addendum" (ECF No. 12) is construed as a first amended complaint and is dismissed without leave to amend for failure to state a claim;

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

IT IS SO ORDERED.

Dated: **April 27, 2026**

Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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