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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CASE NO. 1:06-cv-01074-LJO-SMS PC ORDER ADOPTING FINDINGS AND RECOMMENDATIONS TO DISMISS WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE (Doc. 45) ORDER DIRECTING CASE CLOSURE BY COURT CLERK

Plaintiff Jess Rico Martinez is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 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.

In the First Amended Complaint, Plaintiff states that he "acknowledges the correction of the previously filed complaints concerning this matter and dismisses defendants Deputy Villalobos and Sheriff Bill Wittman as per court instruction." (Doc. 33, p. 2.) On February 4, 2010, the Magistrate Judge filed a Findings and Recommendations herein, recommending that the action be dismissed based on Plaintiff's failure to obey a court order by failing to submit information to assist in service by the United States Marshal on the remaining Defendant, Nation. (Doc. 45.) The Findings and Recommendations was served on Plaintiff and contained notice that any objections to the Findings and Recommendations were to be filed within thirty days.

Plaintiff filed objections on February 22, 2010. (Doc. 47.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a

1	de novo review of this case. Having carefully reviewed the entire file, the Court finds the
2	Findings and Recommendations to be supported by the record and by proper analysis.
3	Accordingly, IT IS HEREBY ORDERED that:
4	1. The Findings and Recommendations, filed February 4, 2010 (Doc. 45), is adopted
5	in full;
6	2. This case is dismissed without prejudice for Plaintiff's failure to obey a court
7	order; and
8	3. The Clerk of the Court is directed to close this case.
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10	IT IS SO ORDERED.
11	Dated: May 12, 2010 /s/ Lawrence J. O'Neill UNITED STATES DISTRICT JUDGE
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