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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ERNEST GALLEGOS,

Plaintiff,

v.

NORTH KERN COUNTY
STATE PRISON, et al.,

Defendants.

CASE NO. 1:07-cv-00257-AWI-SMS PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
ACTION WITH PREJUDICE FOR FAILURE
TO PROSECUTE, AND DENYING MOTION
TO DISMISS AS MOOT IN LIGHT OF
DISMISSAL

(Docs. 29 and 36)

Plaintiff Ernest Gallegos, a former state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on February 16, 2007. 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 26, 2010, the Magistrate Judge filed a [Findings and Recommendations](#) recommending dismissal of this action, with prejudice, for failure to prosecute.¹ The parties were given ten days within which to file objections. To date, no objections have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the 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.

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¹ Although the Findings and Recommendation was returned by the postal service as undeliverable, service was fully effective because Plaintiff has not notified the Court of any change in his address. Local Rule 182(f).

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The Findings and Recommendations, filed October 26, 2010, are adopted in full;

3 2. This action is dismissed, with prejudice, for failure to prosecute; and

4 3. Defendants' pending motion to dismiss is DENIED as moot in light of this dismissal.

5
6 IT IS SO ORDERED.

7 Dated: November 23, 2010

8 
CHIEF UNITED STATES DISTRICT JUDGE