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

KWAME NKUMAH KEKAULA,)	Case No. 08-cv-00282 OWW TAG
Plaintiff,)	ORDER ADOPTING FINDINGS AND
v.)	RECOMMENDATIONS (Doc. 15)
JOEL LUERA, et al.,)	ORDER DISMISSING ACTION AND
Defendants.)	DIRECTING CLERK OF COURT TO
)	CLOSE CASE

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* with an action for damages and other relief concerning alleged civil rights violations arising out of a residential search and Plaintiff’s subsequent criminal conviction. (Doc. 1.) The matter was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rules 72-302 and 72-303.

On November 4, 2008, the Magistrate Judge screened Plaintiff’s complaint for sufficiency pursuant to 28 U.S.C. § 1915, found that it failed to state a claim, and issued an [order](#) dismissing the complaint with 30 days’ leave to file an amended complaint. (Doc. 14). The order also warned Plaintiff that “failure to file an amended complaint will result in a recommendation to dismiss this action. Local Rule 11-110.” (Doc. 14, p. 10). The order was served on Plaintiff on November 4, 2008 . Plaintiff did not file an amended complaint. (*See* docket sheet generally.)

On December 30, 2008, the Magistrate Judge issued [findings and recommendations](#) recommending that this action be dismissed without leave to amend, because Plaintiff failed to file an amended complaint and failed to prosecute this action. (Doc. 15). The findings and recommendations were served on Plaintiff on December 30, 2008, and contained notice that any objections were to filed within ten days from the date of service. (*Id.*). To date, no objections have

1 been filed. (*See* docket sheet generally.)

2 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a
3 *de novo* review of the case. Having carefully reviewed the entire file, the Court finds that the
4 Magistrate Judge’s findings and recommendations are supported by the record and proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. The findings and recommendations issued on December 30, 2008 (Doc. 15), are
7 ADOPTED IN FULL; and

8 2. This action is DISMISSED with prejudice, for Plaintiff’s failure to comply with a Court
9 order and failure to prosecute; and

10 3. The Clerk of Court is DIRECTED to close this case.

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13 IT IS SO ORDERED.

14 **Dated: February 9, 2009**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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