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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JERRY MCDOWELL,  
Plaintiff,  
v.  
R. RIVERA, et al.,  
Defendants.

CASE NO. 1:13-cv-01797-LJO-MJS (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATION TO DISMISS  
ACTION WITHOUT PREJUDICE FOR  
FAILURE TO OBEY COURT ORDER AND  
FAILURE TO PROSECUTE

(ECF No. 33)

CLERK TO TERMINATE PENDING  
MOTIONS AND CLOSE CASE

Plaintiff Jerry McDowell, a state prisoner proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 on November 6, 2013. (ECF No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 of the United States District Court for the Eastern District of California.

On April 1, 2015, the Magistrate Judge issued Findings and a Recommendation to dismiss the action without prejudice based on Plaintiff's failure to obey a court order and failure to prosecute. (ECF No. 33.) Plaintiff filed no objections and the time for

1 doing so has passed.

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

6 Accordingly, it is HEREBY ORDERED that:

- 7 1. The Court adopts the findings and recommendation (ECF No. 33.), filed  
8 April 1, 2015, in full;
- 9 2. The action is DISMISSED without prejudice for failure to obey a court order  
10 and failure to prosecute;
- 11 3. The Clerk's Office is directed to terminate all pending motions and CLOSE  
12 the case.

13  
14 IT IS SO ORDERED.

15 Dated: April 23, 2015

/s/ Lawrence J. O'Neill  
16 UNITED STATES DISTRICT JUDGE