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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RENO FUENTES RIOS,

 Plaintiff,

 v.

GIPSON, *et al.*,

 Defendants.

No. 1:14-cv-00520-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION, WITH PREJUDICE, FOR FAILURE
TO PROSECUTE AND FAILURE TO OBEY
A COURT ORDER

(Doc. No. 73)

Plaintiff Reno Fuentes Rios is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Defendants filed a motion for summary judgment on July 21, 2020. (Doc. No. 62.) Plaintiff was provided with notice of the requirements for opposing a motion for summary judgment, (Doc. No. 62-1), and was later granted an extension of time to file his opposition, (Doc. No. 66).

On September 11, 2020, plaintiff filed a “motion to postpone defendants’ motion for summary judgment pending the resolution of material evidence withheld by defendants.” (Doc. No. 67.) Defendants filed an opposition on October 2, 2020, (Doc. No. 68), and the court did not receive a reply from plaintiff. On February 17, 2021, the assigned magistrate judge issued an

1 order granting in part and denying in part plaintiff's motion, and providing plaintiff a final
2 opportunity to file a response to the summary judgment motion. (Doc. No. 69.)

3 Following plaintiff's failure to file an opposition or otherwise communicate with the
4 court, on April 6, 2021 the magistrate judge issued an order for plaintiff to show cause why this
5 action should not be dismissed, with prejudice, due to his failure to prosecute this action. (Doc.
6 No. 70.) Plaintiff was informed that he could comply with the court's order by filing his
7 opposition to the summary judgment motion. Plaintiff was also warned that if he failed to comply
8 with the court's order, this matter would be dismissed, with prejudice, for failure to prosecute.
9 (*Id.*) Plaintiff filed two responses to the order to show cause, on April 21, 2021 and April 22,
10 2021. (Doc. Nos. 71, 72.)

11 On August 18, 2021, the magistrate judge issued findings and recommendations
12 recommending dismissal of this action, with prejudice, for failure to prosecute and failure to obey
13 a court order, due to plaintiff's failure to file an opposition in response to defendants' motion for
14 summary judgment. (Doc. No. 73.) Those findings and recommendations were served on the
15 parties and contained notice that any objections thereto were to be filed within fourteen days after
16 service. (*Id.* at 5–6.) Plaintiff timely filed objections on September 7, 2021. (ECF No. 74.)

17 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
18 *de novo* review of the case, including plaintiff's objections. Having carefully reviewed the entire
19 file, the court concludes that the magistrate judge's findings and recommendations are supported
20 by the record and by proper analysis. Plaintiff's objections fail to materially address the
21 magistrate judge's reasoning and/or recommendations.

22 Accordingly,

- 23 1. The findings and recommendations issued on August 18, 2021, (Doc. No. 73), are
24 adopted in full;
- 25 2. This action is dismissed, with prejudice, due to plaintiff's failure to prosecute and
26 failure to obey a court order; and

27 ////

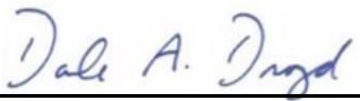
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3. The Clerk of the Court is directed to assign a district judge to this case for the purpose of closing the case and then to close this case.

IT IS SO ORDERED.

Dated: September 19, 2021


UNITED STATES DISTRICT JUDGE