

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DALE OWEN DUSTIN,

 Plaintiff,

 v.

GIPSON, et al.,

 Defendants.

Case No. 1:14-cv-00757 AWI DLB PC

AMENDED ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS AND
DISMISSING ACTION FOR REPEATED
FAILURE TO FOLLOW COURT ORDERS

(Document 57)

Plaintiff Dale Owen Dustin (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on December 13, 2014, and it was transferred to this Court on May 16, 2014. 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 June 5, 2015, the Magistrate Judge issued [Findings and Recommendations](#) that this action be dismissed for Plaintiff’s repeated failures to follow Court orders. The Findings and Recommendations were served on Plaintiff and contained notice that any objections to the Findings and Recommendations were to be filed within thirty (30) days. After this time period had passed without objections, the Court issued an order adopting the Findings and Recommendations and dismissed the case on July 20, 2015.

///
///

1 On July 24, 2015, the Court docketed a motion for an extension of time to file objections.
2 The motion was signed by Plaintiff on June 18, 2015. The reason for the delay in receipt and/or
3 docketing is unknown.

4 The Court now issues this amended order adopting the June 5, 2015, Findings and
5 Recommendations.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de
7 novo review of this case. Having carefully reviewed the entire file, the Court finds that the Findings
8 and Recommendations are supported by the record and by proper analysis.

9 Plaintiff's request for additional time to file objections is simply another delay on his part to
10 comply with Court orders. As the Court noted in the Findings and Recommendations, this action has
11 been pending for over one year and one half without an operative complaint, and Plaintiff continues
12 to refuse to comply with Court orders.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The Findings and Recommendations, filed June 5, 2015, are ADOPTED in full;
- 15 2. All pending motions are DENIED AS MOOT; and
- 16 3. This action is DISMISSED.

17 This terminates this action in its entirety.

18 IT IS SO ORDERED.

19 Dated: July 28, 2015

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