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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JEFFREY SELSOR,	Case No. 1:15-cv-00918-LJO-BAM (PC)
Plaintiff,	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS REGARDING DISMISSAL OF DEFENDANT CASTANEDA AND ALL CLAIMS AGAINST HIM, WITH PREJUDICE, FOR FAILURE TO PROSECUTE AND FAILURE TO OBEY A COURT ORDER
v.	(ECF No. 26)
CASTANEDA, et al.,	
Defendants.	

Plaintiff Jeffrey Selsor (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds against Defendants Docanto and Jordan for allegedly attacking Plaintiff on September 20, 2014, and against Defendant Castaneda for the failure to protect Plaintiff from the attack in violation of the Eighth Amendment.

On January 31, 2017, Defendant Castaneda filed a motion for summary judgment. (ECF No. 24.) Plaintiff was provided with notice of the requirements for opposing a motion for summary judgment. Woods v. Carey, 684 F.3d 934 (9th Cir. 2012); Rand v. Rowland, 154 F.3d 952, 957 (9th Cir. 1988); Klinge v. Eikenberry, 849 F.2d 409, 411–12 (9th Cir. 1988). (ECF No. 24-5.) Plaintiff failed to file an opposition. On March 13, 2017, the Court ordered Plaintiff to file an opposition or statement of non-opposition to Defendant Castaneda’s motion within thirty (30) days of service of that order. (ECF No. 25.) Plaintiff was warned that “the failure to

1 comply with this order will result in dismissal of this action, with prejudice, for failure to
2 prosecute and failure to obey a court order.” (Id. at 2.) Plaintiff failed to file an opposition to the
3 motion for summary judgment, or any response to the Court’s order.

4 On May 3, 2017, the assigned magistrate judge issued findings and recommendations
5 recommending dismissal of Defendant Castaneda and all claim(s) against him, with prejudice, for
6 failure to prosecute and failure to obey a court order. (ECF No. 26.) Those findings and
7 recommendations were served on Plaintiff and contained notice that any objections thereto were
8 to be filed within fourteen (14) days after service. (Id.) No objections have been filed and
9 Plaintiff has not otherwise communicated with this Court.

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

13 Accordingly,

- 14 1. The findings and recommendations issued on May 3, 2017 (ECF No. 26), are adopted
15 in full;
- 16 2. All claim(s) against Defendant Castaneda are dismissed from this action, with
17 prejudice, for failure to prosecute and failure to obey a court order;
- 18 3. Defendant Castaneda is dismissed from this action;
- 19 4. The Clerk of the Court is directed to terminate Defendant Castaneda’s pending motion
20 for summary judgment (ECF No. 24); and
- 21 5. The matter is referred back to the assigned magistrate for proceedings consistent with
22 this order.

23
24 IT IS SO ORDERED.

25 Dated: June 2, 2017

26 /s/ Lawrence J. O’Neill
27 UNITED STATES CHIEF DISTRICT JUDGE
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