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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	DAVID ALLEN,	No. 1:15-cv-01609-DAD-JDP (PC)
12	Plaintiff,	
13	v.	ORDER ADOPTING FINDINGS AND RECOMMENDATIONS
14	CLIFF ALLENBY, et al,	(Doc. Nos. 97, 100)
15	Defendants.	(Doc. Nos. 97, 100)
16		
17	Plaintiff David Allen is a state prisoner proceeding in this civil rights action pursuant to	
18	42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28	
19	U.S.C. § 636(b)(1)(B) and Local Rule 302.	
20	On July 8, 2020, plaintiff filed a motion for substitution of deceased defendant Cliff	
21	Allenby for the purposes of pursuing his individual capacity claims against defendant Allenby.	
22	(Doc. No. 97.) On August 11, 2020, the assigned magistrate judge ordered defendants to respond	
23	to plaintiff's motion. (Doc. No. 98.) On August 2, 2020, defendant Stephanie Clendenin—	
24	defendant Allenby's successor with respect to plaintiff's official capacity claims—responded	
25	stating that she was unable to identify defendant Allenby's representative or successor. (Doc. No.	
26	99.)	
27	On December 11, 2020, the magistrate judge entered findings and recommendations,	
28	recommending that plaintiff's motion for substitution be denied and that defendant Allenby be	
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dismissed from this action. (Doc. No. 100.) The findings and recommendations were served on the parties and contained notice that objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 3.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

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

- 1. The findings and recommendations issued on December 11, 2020 (Doc. No. 100) are adopted in full;
- Plaintiff's motion for substitution of deceased defendant Cliff Allenby (Doc. No. 97) is denied;
- 3. Defendant Cliff Allenby is dismissed from this action without prejudice; and
- 4. This case is referred back to the assigned magistrate judge for further proceedings.

Dated: January 13, 2021 Dale A. Dage

UNITED STATES DISTRICT JUDGE