

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 MICHAEL SCOTT McRAE,

12 Plaintiff,

13 vs.

14 BAIRAMIAN DIKRAN, et al.,

15 Defendants.

No. 1:16-cv-01066-NONE-GSA-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL
(Doc. No. 115.)

ORDER DISMISSING DEFENDANT
NGUYEN FROM THIS CASE, WITH
PREJUDICE, BASED ON PLAINTIFF'S
FAILURE TO PROSECUTE

ORDER DISMISSING ALL PENDING STATE
LAW CLAIMS WITHOUT PREJUDICE

ORDER FOR CLERK TO CLOSE CASE

16
17
18
19
20
21 Plaintiff, Michael Scott McRae, is a former federal prisoner proceeding *pro se* and *in*
22 *forma pauperis* with this civil rights action pursuant to *Bivens vs. Six Unknown Agents*, 403
23 U.S. 388 (1971). The matter was referred to a United States Magistrate Judge pursuant to 28
24 U.S.C. § 636(b)(1)(B) and Local Rule 302.

25 On July 19, 2021, findings and recommendations were entered, recommending that
26 defendant Dr. Nguyen be dismissed from this case, with prejudice, based on plaintiff's failure

27 ////

28 ////

1 to prosecute against him. (Doc. No. 115.)¹ The parties were granted fourteen days in which to
2 file objections to the findings and recommendations. (*Id.*) The time for filing objections has
3 expired, and no objections have been filed.

4 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
5 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,
6 the court finds the findings and recommendations to be supported by the record and proper
7 analysis.

8 Accordingly,

- 9 1. The findings and recommendations issued by the magistrate judge on July 19,
10 2021, (Doc. No. 115) are adopted in full;
- 11 2. Defendant Nguyen and the claims against him are dismissed from this case, with
12 prejudice, based on plaintiff's failure to prosecute against him;
- 13 3. The court declines to exercise jurisdiction over any of plaintiff's state law
14 claims, and plaintiff's state law claims are dismissed without prejudice;
- 15 4. This action is dismissed in its entirety; and
- 16 5. The clerk is directed to enter judgment and close this case.

17
18 IT IS SO ORDERED.

19 Dated: September 21, 2021



UNITED STATES DISTRICT JUDGE

20
21
22
23
24
25
26
27
28 ¹ Dr. Nguyen is the only defendant remaining in this case. On July 16, 2021, the court granted summary judgment in favor of defendants Dr. Bairamian and Dr. Betz, dismissing them from this action. (Doc. Nos. 112, 113.)