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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND D. CHESTER,  
Plaintiff,  
v.  
AUDREY KING, et al.,  
Defendants.

No. 1:16-cv-01257-DAD-GSA (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
ACTION DUE TO PLAINTIFF’S FAILURE  
TO OBEY A COURT ORDER

(Doc. No. 59)

Plaintiff Raymond D. Chester is a civil detainee proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

This action proceeds on plaintiff’s claims against defendants Audrey King, Jagsir Sandhu, M.D., and Robert Withrow, M.D. (“defendants”), for deliberate indifference to plaintiff’s serious medical needs in violation of the Fourteenth Amendment as alleged in plaintiff’s first amended complaint. (*See* Doc. Nos. 10, 15, 60.)

On August 10, 2020, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed due to plaintiff’s failure to obey a court order. (Doc. No. 59.) Specifically, plaintiff had failed to file an opposition or a statement of non-opposition to the motion for summary judgment filed by defendants on August 19, 2019 (Doc. No. 37), as required by Local Rule 230(l). Accordingly, on June 10, 2020, the assigned magistrate judge

1 issued an order requiring plaintiff to “file an opposition or a statement of non-opposition to  
2 defendants King, Sandhu, and Withrow’s motion for summary judgment” within thirty (30) days  
3 after service of that order. (Doc. No. 57 at 4.) Plaintiff was also warned in that order that if he  
4 failed to comply, the assigned magistrate judge would recommend that this action be dismissed.  
5 (*Id.*) Those thirty days expired, and plaintiff failed to comply with the court’s June 10, 2020  
6 order. (Doc. No. 59 at 1.) Therefore, the magistrate judge issued findings and recommendations  
7 recommending that plaintiff’s action be dismissed. (*Id.*) Those pending findings and  
8 recommendations contained notice that any objections thereto were to be filed within fourteen  
9 (14) days after service. (*Id.* at 3.) To date, no objections have been filed, and the time in which  
10 to do so has since passed.

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

14 Accordingly,

- 15 1. The findings and recommendations issued on August 10, 2020 (Doc. No. 59) are  
16 adopted in full;
- 17 2. This action is dismissed, without prejudice, due to plaintiff’s failure to obey a  
18 court order; and
- 19 3. The Clerk of the Court is directed to close this case.

20 IT IS SO ORDERED.

21 Dated: October 19, 2020

22   
UNITED STATES DISTRICT JUDGE