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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DAMON NEWQUIST,  
Plaintiff,  
v.  
SOA; CHEN,  
Defendants.

No. 1:17-cv-01150-NONE-SKO (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. Nos. 40, 42)

Plaintiff Damon Newquist is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 3, 2019, the assigned magistrate judge issued an order granting the defendants’ motion to compel plaintiff’s deposition and responses to defendants’ written discovery requests. (Doc. No. 39.) The magistrate judge also ordered plaintiff to show cause in writing, within 21 days, why this action should not be dismissed due to his failure to prosecute. (*Id.*) Plaintiff failed to respond to defendants’ discovery requests, appear for his deposition, or respond to the court’s order to show cause as required. Accordingly, on December 31, 2019, the defendants filed a motion to dismiss this action with prejudice due to plaintiff’s failure to prosecute this action. (Doc. No. 40.)

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1 On February 4, 2020, the magistrate judge issued findings and recommendations,  
2 recommending that defendants' motion to dismiss be granted and this action dismissed with  
3 prejudice. (Doc. No. 42.) The findings and recommendations were served on plaintiff and  
4 contained notice that any objections thereto were to be filed within 14 days of service. (*Id.* at 2.)  
5 Plaintiff has not filed objections and the time do so has passed.

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

9 Accordingly,

- 10 1. The findings and recommendations issued on February 4, 2020 (Doc. No. 42) are  
11 adopted in full;
- 12 2. Defendants' motion to dismiss (Doc. No. 40) is granted;
- 13 3. This action is dismissed with prejudice due to plaintiff's failure to prosecute and  
14 obey court orders; and,
- 15 4. The Clerk of the Court is directed to close this case.

16 IT IS SO ORDERED.

17 Dated: March 4, 2020

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UNITED STATES DISTRICT JUDGE

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