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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARRY FREEMAN,
Plaintiff,
v.
ST. CLAIR, *et al.*,
Defendants.

Case No. 1:18-cv-00621-AWI-BAM (PC)
ORDER READOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
DISMISSAL OF ACTION, WITH
PREJUDICE, FOR FAILURE TO STATE A
CLAIM, FAILURE TO OBEY A COURT
ORDER, AND FAILURE TO PROSECUTE
(ECF No. 11)

Plaintiff Larry Freeman (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 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 April 24, 2019, the assigned Magistrate Judge granted Plaintiff leave to file a first amended complaint or a notice of voluntary dismissal. (ECF No. 10.) Plaintiff was expressly warned that if he failed to file an amended complaint in compliance with the Court’s order, this action would be dismissed for failure to state a claim and failure to obey a court order. (Id. at 12.)

On June 11, 2019, following Plaintiff’s failure to communicate with the Court, the Magistrate Judge issued findings and recommendations recommending dismissal of this action, with prejudice, for failure to state a claim, failure to obey a Court order, and failure to prosecute. (ECF No. 11.) Those findings and recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (Id. at 13.)

1 On July 12, 2019, after a *de novo* review of the case, the Court adopted the findings in full
2 and dismissed this action, with prejudice, due to Plaintiff's failure to state a claim, failure to obey
3 a court order, and failure to prosecute. (ECF No. 12.) Judgment was entered the same date.
4 (ECF No. 13.)

5 On July 15, 2019, the Clerk filed Plaintiff's objections to the findings and
6 recommendations. (ECF No. 13.) On November 21, 2019, the Court found that relief from
7 judgment and the order adopting the findings and recommendation was appropriate and ordered
8 Plaintiff to file either a Rule 41(a) dismissal or an amended complaint within thirty (30) days.
9 (ECF No. 16.) Plaintiff was warned that failure to timely comply with the Court's order would
10 result in the readoption of the findings and recommendation and the closure of this case without
11 further notice. (Id.)

12 Following two extensions of time, (ECF Nos. 18, 20), the deadline has expired for
13 Plaintiff to file a Rule 41(a) dismissal, amended complaint, or properly supported request for a
14 reasonable extension of time, and Plaintiff has otherwise failed to communicate with the Court.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. The Findings and Recommendations issued on June 11, 2019, (ECF No. 11) are
17 readopted in full;
- 18 2. This action is dismissed, with prejudice, due to Plaintiff's failure to state a claim,
19 failure to obey a court order, and failure to prosecute; and
- 20 3. The Clerk of the Court is directed to close this case.

21 IT IS SO ORDERED.

22 Dated: June 29, 2020

23 
24 SENIOR DISTRICT JUDGE