UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JEROME MARKIEL DAVIS, Plaintiff, v. D. ROBERTS. Defendant.	No. 1:18-cv-00832-DAD-BAM (PC) ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DISMISSING ACTION (Doc. No. 43)

Plaintiff Jerome Markiel Davis is proceeding *pro se* and *in forma pauperis* in this civil rights action filed 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 June 22, 2020, defendant D. Roberts filed a motion for summary judgment. (Doc. No. 40.) After plaintiff failed to oppose or file a statement of non-opposition to the pending motion for summary judgment, on July 27, 2020, the assigned magistrate judge issued an order to show cause why this action should not be dismissed due to plaintiff's failure to prosecute the action. (Doc. No. 42.) The order to show cause required plaintiff to respond within twenty-one (21) days, and warned plaintiff that failure to comply with the order will result in this matter being dismissed with prejudice for failure to prosecute. (*Id.* at 2.) Plaintiff did not respond to the order to show cause or otherwise communicate with the court.

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Accordingly, on September 1, 2020, the magistrate judge issued the pending findings and recommendations, recommending that this action be dismissed due to plaintiff's failure to obey a court order and failure to prosecute. (Doc. No. 43.) The pending 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 4.) 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 concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly,

1. The findings and recommendations issued on September 1, 2020 (Doc No. 43) are adopted in full;
2. This action is dismissed due to plaintiff's failure to obey a court order and failure to prosecute;
3. Defendant D. Robert's pending motion for summary judgment (Doc. No. 40) is denied as having been rendered moot by the issuance of this order; and
4. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: **October 11, 2020**

Dale A. Drozd

UNITED STATES DISTRICT JUDGE