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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

M.J.V., *individually and as successor-in-interest to decedent* SERGIO VELASCO MARTINEZ, *by and through his guardian ad litem* LIDIA JACINTO,

Plaintiff,

v.

CITY OF AVENAL, *et al.*,

Defendants.

No. 1:18-cv-00863-DAD-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CASE

(Doc. No. 19)

Minor plaintiff M.J.V., individually and as successor-in-interest to decedent Sergio Velasco Martinez, by and through his guardian *ad litem*, Lidia Jacinto, brings this civil rights action against defendants City of Avenal and Does 1 through 50 pursuant to 42 U.S.C. § 1983 and state law. (Doc. No. 1.) This action stems from an incident that resulted in the death of Sergio Velasco Martinez, allegedly at the hands of Avenal police officers. (*Id.*) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 25, 2019, the assigned magistrate judge issued findings and recommendations, recommending that this case be dismissed without prejudice due to plaintiff's failure to prosecute. (Doc. No. 19 at 3.) The findings and recommendations were served on both parties and contained notice that any objections thereto were to be filed within thirty (30) days of

1 service of the order. (*Id.* at 3–4.) No objections have been filed, and the time in which to do so
2 has long—since passed.

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

7 Accordingly:

- 8 1. The findings and recommendations issued on September 25, 2019 (Doc. No. 19),
9 are adopted in full;
- 10 2. This action is dismissed without prejudice due to plaintiff’s failure to prosecute
11 this action; and
- 12 3. The Clerk of the Court is directed to close this case.

13 IT IS SO ORDERED.

14 Dated: March 12, 2020



UNITED STATES DISTRICT JUDGE

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