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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE TIMOTEO GUEVARA,  
Plaintiff,  
v.  
SUPERIOR COURT, COUNTY OF SAN  
MATEO, *et al.*,  
Defendants.

No. 1:18-cv-00871-DAD-BAM (PC)  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
ACTION WITH PREJUDICE  
(Doc. No. 22)

Plaintiff Jose Timoteo Guevara is a state prisoner proceeding *pro se* 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 May 10, 2019, the assigned magistrate judge screened plaintiff’s complaint and determined that it failed to state a cognizable claim. (Doc. No. 18.) Plaintiff was granted leave to file an amended complaint within thirty days so that he could attempt to cure the deficiencies identified in the screening order. (*Id.*) Plaintiff was warned that a failure to do so would result in the magistrate judge recommending that this action be dismissed. (*Id.* at 6.)

On June 10, 2019, plaintiff filed a lengthy “response to order” which included, among other things, a request for an extension of time to file his amended complaint. (Doc. No. 19.) On March 12, 2020, the magistrate judge granted the motion in part and ordered plaintiff to file a first

1 amended complaint or a notice of voluntary dismissal within thirty days. (Doc. No. 21.) Plaintiff  
2 was again warned that a failure to comply would result in the magistrate judge recommending  
3 that this action be dismissed for failure to obey a court order and failure to state a claim. (*Id.* at  
4 3.) To date, plaintiff has still not filed an amended complaint or otherwise communicated with  
5 the court.

6 Accordingly, the magistrate judge issued findings and recommendations on April 24,  
7 2020, recommending that this action be dismissed with prejudice for failure to state a claim,  
8 failure to obey a court order, and failure to prosecute. (Doc. No. 22.) Those findings and  
9 recommendations were served on plaintiff and contained notice that any objections thereto were  
10 to be filed within fourteen (14) days of service. (*Id.* at 7–8.) No objections have been filed, and  
11 the time to do so has now passed.

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

15 Accordingly:

- 16 1. The findings and recommendations issued on April 24, 2020 (Doc. No. 22) are  
17 adopted in full;
- 18 2. This civil rights action is dismissed due to plaintiff's failure to state a claim, failure  
19 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 3, 2020

23   
UNITED STATES DISTRICT JUDGE