UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

RUBEN GIL, Plaintiff, v. JOHN DOE WARDEN, et al., Defendants.	No. 1:18-cv-01039-DAD-BAM ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DISMISSING ACTION FOR FAILURE TO PROSECUTE AND FAILURE TO OBEY A COURT ORDER (Doc. No. 14)

Plaintiff Ruben Gil is a former 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 May 17, 2019, the assigned magistrate judge screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A and determined that it failed to state a cognizable claim for relief. (Doc. No. 13.) Plaintiff was granted leave to file a first amended complaint attempting to cure the deficiencies identified by the magistrate judge within thirty days. (*Id.* at 15.) Plaintiff was warned that his failure to file an amended complaint in compliance with the screening order would result in dismissal of this action. (*Id.*) More than thirty days have passed, but to date, plaintiff has not filed a first amended complaint.

Therefore, on July 11, 2019, the magistrate judge issued findings and recommendations, recommending dismissal of this action, with prejudice, due to plaintiff's failure to state a cognizable claim upon which relief may be granted, failure to obey a court order, and failure to prosecute this action. (Doc. No. 14.) The 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 17.) 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 adopts the findings and recommendations.

Accordingly,

1. The findings and recommendations issued on July 11, 2019 (Doc No. 14) are adopted;
2. This action is dismissed due to plaintiff's failure to obey a court order and failure to prosecute; and
3. The clerk of the court is directed to close this case.

IT IS SO ORDERED.

Dated: **October 9, 2019**

Dale A. Drozd

UNITED STATES DISTRICT JUDGE