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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TARA ELAINE BENDER,

Plaintiff,

J. OROZCO,

v.

Defendant.

No. 1:18-cv-01168-NONE-BAM

 $\frac{ORDER\ ADOPTING\ FINDINGS\ AND}{RECOMMENDATIONS}$

(Doc. No. 66)

Plaintiff Tara Elaine Bender, proceeding with counsel, initiated this civil rights action on August 27, 2018. (Doc. No. 1.) Defendant J. Orozco filed a motion to dismiss for failure to prosecute and failure to obey court order. (Doc. No. 53.) The matter was referred to a magistrate judge for issuance of findings and recommendations in accordance with 28 U.S.C. § 636(b)(1)(B) and (C). (Doc. No. 59.)

On June 30, 2021, the assigned magistrate judge issued findings and recommendations recommending that the motion to dismiss be granted due to plaintiff's failure to prosecute this action and failure to comply with court orders. (Doc. No. 66.) Those findings and recommendations were served on all parties and contained notice that objections thereto were to be filed within fourteen (14) days. (*Id.*) No objections have been filed and the time in which to do so has now passed.

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In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the courts finds the findings and recommendations to be supported by the record and proper analysis. Plaintiff has not appeared for or allowed the completion of her deposition since at least February 2020. Her conduct has taken more than enough of this court's time and resources, has prejudiced defendant, and cannot be controlled by any sanction less drastic than dismissal. The magistrate judge's recommendation of dismissal for failure to prosecute and failure to obey court orders will be adopted in full.

Accordingly,

- 1. The findings and recommendations issued on June 30, 2021 (Doc. No. 66) are adopted in full;
- 2. Defendant's motion to dismiss for failure to prosecute and failure to obey court order (Doc. No. 53) is granted;
- 3. This action is dismissed in its entirety; and
- 4. The Clerk of the Court is directed to close this case.

16 IT IS SO ORDERED.

Dated: **July 22, 2021**

UNITED STATES DISTRICT JUDGE