## 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JAMES BROWN, No. 1:19-cv-00626-DAD-SKO (PC) 12 Plaintiff. 13 v. ORDER ADOPTING FINDINGS AND 14 D. WOODWARD, et al., CTION DUE TO PLAINTIFF'S ILURE TO PROSECUTE AND FAILURE 15 Defendant. TO OBEY COURT ORDERS 16 (Doc. Nos. 42, 43, 47, 55) 17 18 Plaintiff James Brown is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United 19 20 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 21 On May 25, 2022, the assigned magistrate judge issued findings and recommendations 22 recommending that this action be dismissed, without prejudice, due to plaintiff's failure to 23 prosecute and failure to obey court orders. (Doc. No. 55.) Specifically, because plaintiff had 24 failed to timely file an opposition, or a statement of non-opposition, to defendants' pending motion for summary judgment (Doc. No. 42) as required by the Local Rules, on April 7, 2022, 25 26 the magistrate judge issued an order requiring plaintiff to either show cause why this action 27 should not be dismissed due to his failure to prosecute, or alternatively, to file an opposition or

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statement of non-opposition to defendants' motion for summary judgment, within twenty-one

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(21) days of that order. (Doc. No. 54.) Plaintiff was warned that his failure to comply with that order may result in a recommendation that this case be dismissed due to plaintiff's failure to prosecute and failure to comply with a court order. (*Id.* at 1–2.) To date, plaintiff has not responded to the order to show cause, filed an opposition or a statement of non-opposition as directed, or otherwise communicated with the court.

Accordingly, on May 25, 2022, the magistrate judge issued the pending findings and recommendations recommending dismissal of this action due to plaintiff's failure to prosecute and failure to obey court orders. (Doc. No. 55.) Those pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 5.) To date, no objections 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 finds the findings and recommendations to be supported by the record and by proper analysis.

## Accordingly:

- 1. The findings and recommendations issued on May 25, 2022 (Doc. No. 55) are adopted in full;
- 2. This action is dismissed, without prejudice, due to plaintiff's failure to prosecute this action and failure to obey court orders;
- 3. Defendants' motion for summary judgment (Doc. No. 42) and the pending motions to compel discovery (Doc. Nos. 43, 47) are terminated as having been rendered moot by this order; and
- 4. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: **June 16, 2022** 

JNITED STATES DISTRICT JUDGE

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