

1 recommendations on October 28, 2019, recommending that plaintiff’s motion for a temporary
2 restraining order and preliminary injunction be denied. (Doc. No. 9.) Those findings and
3 recommendations contained notice that any objections thereto were to be filed within twenty-one
4 (21) days after service. (*Id.* at 6–7.) Plaintiff did not respond in any way to the screening order.

5 Accordingly, on January 16, 2020, the magistrate judge issued findings and
6 recommendations recommending dismissal of this action due to plaintiff’s failure to state a claim
7 upon which relief can be granted, failure to comply with a court order, and failure to prosecute.
8 (Doc. No. 10.) The findings and recommendations contained notice that any objections thereto
9 were to be filed within twenty-one (21) days after service. (*Id.* at 3–4.) To date, plaintiff has
10 neither filed an amended complaint, notified the court of his intent to stand on his complaint, nor
11 submitted objections to either set of findings and recommendations.¹

12 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
13 court has conducted a de novo review of the case. Having carefully reviewed the entire file, the
14 court finds the findings and recommendations to be supported by the record and proper analysis.

15 Accordingly:

- 16 1. The findings and recommendations issued on October 28, 2019 (Doc. No. 9) are
17 adopted in full;

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20 ¹ The October 28, 2019 screening order and findings and recommendations addressing plaintiff’s
21 request for preliminary relief were returned to the court by the U.S. Postal Service as
22 “Undeliverable, out to court,” while the January 16, 2020 findings and recommendations were
23 returned to the court as “Undeliverable, Out to Court/Paroled.” Local Rule 183(b) provides that

24 [a] party appearing *in propria persona* shall keep the Court and
25 opposing parties advised as to his or her current address. If mail
26 directed to a plaintiff *in propria persona* by the Clerk is returned by
27 the U.S. Postal Service, and if such plaintiff fails to notify the Court
28 and opposing parties within sixty-three (63) days thereafter of a
current address, the Court may dismiss the action without prejudice
for failure to prosecute.


27 The court notes that it has been over sixty-three days since the screening order and both findings
28 and recommendations were returned to the court as undeliverable, and plaintiff has not notified
the court of a change of his address of record.

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2. Plaintiff's motion for a temporary restraining order and preliminary injunction (Doc. No. 1) is denied;
3. The findings and recommendations issued on January 16, 2020 (Doc No. 10) are adopted;
4. This action is dismissed due to plaintiff's failure to state a cognizable claim, failure to comply with a court order, and failure to prosecute; and
5. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: April 18, 2020


UNITED STATES DISTRICT JUDGE