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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH DAVIS,  
  
                                Plaintiff,  
  
                                v.  
  
S. SPETH,  
  
                                Defendant.

No. 1:19-cv-1032-NONE-HBK  
  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS  
  
(Doc. No. 29)

Plaintiff Kenneth Davis initiated this action as a state prisoner proceeding *pro se* and *in forma pauperis* by filing a civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 1.) The 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 12, 2021, the magistrate judge filed findings and recommendations granting defendant’s motion to dismiss due to plaintiff’s failure to keep the court apprised of his current address, ultimately recommending dismissal for failure to prosecute. (Doc. No. 29 at 1–5.) The findings and recommendations served on plaintiff contained notice that objections were due within fourteen days. (*Id.* at 5.) Plaintiff did not file any objections. (*See* docket). Instead, the

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1 May 12, 2021 order was returned to the court as undeliverable due to plaintiff not keeping the  
2 court apprised of his address. (*Id.*)<sup>1</sup>

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


6 ACCORDINGLY, it is ORDERED:

7 1. The findings and recommendations, filed on May 12, 2021, (Doc. No. 29), are adopted  
8 in full;

9 2. The Clerk of Court shall assign a district judge to this matter for the purposes of  
10 closure, terminate any pending motions, close this case, and enter judgment against plaintiff.

11 IT IS SO ORDERED.

12 Dated: July 12, 2021

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14 UNITED STATES DISTRICT JUDGE

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27 <sup>1</sup> Prior to the issuance of findings and recommendations, earlier court orders (Doc. Nos. 23, 25,  
28 (See docket.) According to Local Rule 183(b), plaintiff had sixty-three (63) days to update his  
address. He failed to do so.