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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL HERNANDEZ GONZALEZ,
Plaintiff,
v.
H. PEREZ, et al.,
Defendants.

No. 1:19-cv-1447-DAD-BAK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 185)

Plaintiff Michael Hernandez Gonzalez is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action filed 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 April 14, 2022, the assigned magistrate judge issued findings and recommendations, recommending that this court dismiss this case due to plaintiff’s failure to comply with Local Rules and court orders. (Doc. No. 185.) Specifically, the magistrate judge concluded that throughout the course of this case, plaintiff has filed numerous motions that were untimely or that were identical to or sought the same relief as motions previously denied by the court. (*Id.* at 7.) The magistrate judge determined that plaintiff’s continued noncompliance warranted dismissal of this action without prejudice. (*Id.* at 10.)

The pending 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.*) On April

1 27, 2022, plaintiff filed objections to the pending findings and recommendations. (Doc. No. 187.)
2 Therein, plaintiff asserts that he did not intend to burden the court with unnecessary motions and
3 filings, but instead his error was due to his own ignorance. (*Id.*) Plaintiff indicates that he has
4 found the court process confusing and complicated; he further notes that he has mental health
5 issues, has been denied the appointment of counsel, and has relied on advice from other inmates.
6 (*Id.*) Plaintiff repeatedly apologizes to the court and asks the court to forgive his non-stop filings
7 in this action. (*Id.*) Nevertheless, in the magistrate judge's previous orders, plaintiff was
8 repeatedly warned in clear and explicit terms that failure to abide by Local Rules would result in
9 the dismissal of this case. (*See* Doc. Nos. 128, 136, 173.) Furthermore, in response to the
10 magistrate judge's warnings, plaintiff filed notices with the court that he understood the court's
11 orders and that he would cease his duplicative filings. (Doc. No. 177.) Yet, plaintiff then
12 continued to file duplicative motions with no regard for the court's previous orders. (*See* Doc.
13 Nos. 180, 181, 184.) Now, in his current objections to the pending findings and
14 recommendations, plaintiff once again assures the court that he will abide by the court's orders
15 and by the Local Rules. (Doc. No. 187.) However, the course of plaintiff's filings reflects a
16 willful refusal to comply with the court. Apparently, even the prospect of being sanctioned with
17 dismissal has not deterred plaintiff's noncompliant filings.

18 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
19 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff's
20 objections, the court concludes that the findings and recommendations are supported by the
21 record and by proper legal analysis.

22 Accordingly,

- 23 1. The findings and recommendations issued on April 14, 2022 (Doc. No. 185) are
24 adopted;

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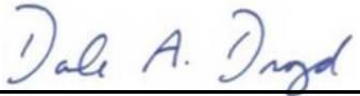
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2. This case is dismissed due to plaintiff's failure to comply with Local Rules and court orders; and
3. The Clerk of the Court is directed to terminate all pending motions and close this case.

IT IS SO ORDERED.

Dated: June 1, 2022



UNITED STATES DISTRICT JUDGE