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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT BONUELOS,
Plaintiff,

v.

HANFORD ELEMENTARY SCHOOL
DISTRICT, et al.,
Defendants.

No. 1:19-cv-01764-NONE-SKO

ORDER ADOPTING FINDINGS AND
RECOMMENDATION TO DISMISS WITH
PREJUDICE FOR PLAINTIFF'S FAILURE
TO OBEY COURT ORDER AND
FAILURE TO PROSECUTE

(Doc. No. 10)

On December 19, 2019, Plaintiff Robert Bonuelos, proceeding pro se, filed the complaint in this case against Defendants. (Doc. No. 1.) Plaintiff also filed a motion to proceed *in forma pauperis*, which was granted on December 23, 2019. (Doc. Nos. 2 & 3.)

On March 30, 2020, the assigned magistrate judge issued a screening order finding that plaintiff's complaint failed to state any cognizable claims and granting leave until April 27, 2020, for plaintiff to file an amended complaint. (Doc. No. 5.) Plaintiff filed a request for an extension of time to file his amended complaint, and the court granted the request and allowed plaintiff until May 25, 2020, to file his amended complaint. (Doc. Nos. 7 & 8.) Plaintiff failed to file an amended complaint or otherwise respond to the court's screening order.

On July 1, 2020, an order issued for plaintiff to show cause ("OSC") within twenty-one days why the action should not be dismissed for his failure to comply with the court's March 30, 2020 screening order. (Doc. No. 9.) When served at plaintiff's address of record, the OSC was

1 returned as undeliverable on July 10, 2020. Local Rule 183(b) provides that:

2 A party appearing in propria persona shall keep the Court and opposing parties
3 advised as to his or her current address. If mail directed to a plaintiff in propria
4 persona by the Clerk is returned by the U.S. Postal Service, and if such plaintiff
5 fails to notify the Court 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.

6 L.R. 183(b). More than sixty-three days lapsed since the OSC was returned as undeliverable and
7 plaintiff did not contact the court to request an extension or to otherwise explain any
8 circumstances that may be preventing him from complying with the OSC.

9 On September 24, 2020, the assigned magistrate judge issued findings and recommended
10 that the case be dismissed with prejudice for failing to comply with the court's orders and for
11 failure to prosecute this action. (Doc. No. 10.) Plaintiff was granted twenty-one (21) days in
12 which to file objections to the findings and recommendation. (*Id.*) The order was returned as
13 undeliverable (*see* Docket) and no objections have been filed.

14 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
15 *de novo* review of the case. Having carefully reviewed the entire file, the court finds that the
16 findings and recommendation are supported by the record and proper analysis.


17 ORDER

18 Accordingly, IT IS HEREBY ORDERED that:

- 19 1. The findings and recommendation issued September 24, 2020 (Doc. No. 10), are
20 ADOPTED IN FULL;
- 21 2. This action is DISMISSED WITH PREJUDICE based on Plaintiff's failure to obey
22 a court order, this court's local rules, and failure to prosecute this action; and
- 23 3. The Clerk of Court is directed to close this case.

24 IT IS SO ORDERED.

25 Dated: November 17, 2020

26 
27 _____
28 UNITED STATES DISTRICT JUDGE