

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

AMOS GAON,  
  
Plaintiff,  
  
v.  
  
T. LAU, et al.,  
  
Defendants.

No. 1:20-cv-00182-NONE-JLT (PC)  
  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
ACTION  
  
(Doc. No. 13)

Plaintiff Amos Gaon is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 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 August 28, 2020, the assigned magistrate judge issued a screening order, finding that plaintiff’s first amended complaint fails to state a claim on which relief can be granted. (Doc. No. 10.) The magistrate judge directed plaintiff to file a second amended complaint curing the deficiencies in his pleading. (*Id.* at 5.) Plaintiff has failed to file an amended complaint or otherwise respond to the screening order.

Therefore, on October 15, 2020, the magistrate judge issued an order requiring plaintiff to show cause in writing, within 21 days, why this action should not be dismissed due to his failure to comply with a court order. (Doc. No. 11.) The order to show cause cautioned plaintiff that “[f]ailure to comply with this order will result in a recommendation that this case be dismissed for

1 failure to state a claim and to obey a court order.” (*Id.* at 2.) Plaintiff has failed to respond to the  
2 order to show cause.

3 Accordingly, on November 19, 2020, the assigned magistrate judge filed findings and  
4 recommendations, recommending that this action be dismissed due to plaintiff’s failure to obey  
5 court orders and failure to state a claim on which relief can be granted. (Doc. No. 13.) The  
6 findings and recommendations were served on plaintiff and provided him 14 days to file  
7 objections thereto. (*Id.* at 2.) Plaintiff has not filed any objections to the pending findings and  
8 recommendations and the time do so has passed.

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

12 Accordingly,

- 13 1. The findings and recommendations issued on November 19, 2020 (Doc. No. 13)  
14 are adopted in full;
- 15 2. This action is dismissed due to plaintiff’s failure to obey court orders and failure to  
16 state a claim on which relief can be granted; and,
- 17 3. The Clerk of the Court is directed to assign a district judge to this action for  
18 purposes of closure and to close this case.

19 IT IS SO ORDERED.

20 Dated: January 8, 2021

21   
22 \_\_\_\_\_  
23 UNITED STATES DISTRICT JUDGE  
24  
25  
26  
27  
28