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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VICHAI VONGSVIRATES,) No. 1:20-cv-00474-NONE-JLT
)
Plaintiff,) ORDER ADOPTING FINDINGS AND
) RECOMMENDATIONS, DENYING PLAINTIFF’S
v.) MOTION TO PROCEED IN FORMA PAUPERIS
) AND DISMISSING THE ACTION WITHOUT
WELLS FARGO BANK N.A., et al.,) PREJUDICE
)
Defendants.) (Doc. No. 12)
)

Vichai Vongsvirates seeks to proceed *pro se* and *in forma pauperis* in this action against Wells Fargo Bank, N.A. and Rushmore Loan Management Services. On April 16, 2020, the assigned magistrate judge screened the complaint pursuant to 28 U.S.C. § 1915A(b) and/or 28 U.S.C. § 1915(e)(2) and dismissed plaintiff’s initial complaint with leave to amend because plaintiff failed to allege facts sufficient to support his claims. (Doc. No. 7.) On May 6, 2020, plaintiff filed a first amended complaint. (Doc. No. 8.) However, the first amended complaint largely duplicated the initial filing, and the magistrate judge again found that plaintiff was unable to state a claim upon which relief may be granted. Therefore, on July 8, 2020, the magistrate judge issued findings and recommendations recommending that plaintiff’s motion to proceed *in forma pauperis* be denied, his first amended complaint be dismissed without prejudice, and that plaintiff be provided fourteen days to file any objections to the recommendation. (Doc. No. 12.) The findings and recommendations were served on plaintiff and contained a warning that “failure to file objections within the specified

1 time may waive the right to appeal the District Court's order." (Doc. No. 12 at 7) (citing *Martinez v.*
2 *Ylst*, 951 F.2d 1153 (9th Cir. 1991) and *Wilkerson v. Wheeler*, 772 F.3d 834, 834 (9th Cir. 2014)). To
3 date, no objections have been filed and the time period for doing so has expired.

4 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and *Britt v. Simi Valley United*
5 *School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), this court has conducted a *de novo* review of the case.
6 Having carefully reviewed the file, the court finds the findings and recommendations are supported by
7 the record and proper analysis.

8 Accordingly, the Court **ORDERS**:

- 9 1. The findings and recommendations dated July 8, 2020 (Doc. No. 12) are **ADOPTED**
10 **IN FULL**;
- 11 2. Plaintiff's first amended complaint is **DISMISSED** without prejudice;
- 12 3. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 3) is **DENIED**;
- 13 4. Defendant's motion to dismiss (Doc. No. 9) is **DISMISSED AS MOOT**; and
- 14 5. The Clerk of Court is **DIRECTED** to assign a district judge to this matter for the
15 purposes of closure and to close this action.

16 IT IS SO ORDERED.

17 Dated: August 6, 2020

18 
19 UNITED STATES DISTRICT JUDGE