

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  
EASTERN DISTRICT OF CALIFORNIA

JAMES CATO, JR.,  
  
                    Plaintiffs,  
  
          vs.  
  
DIAZ, et al.,  
  
                    Defendants.

No. 1:20-cv-00510-NONE-GSA-PC  
  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS IN FULL  
  
(Doc. No. 11)  
  
ORDER DISMISSING CASE WITHOUT  
PREJUDICE FOR FAILURE TO  
COMPLY WITH THE COURT’S  
SCREENING ORDER  
  
(Doc. No. 10)  
  
ORDER FOR CLERK TO CLOSE CASE

Plaintiff James Cato, Jr. is a former state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B).

On September 20, 2021, the assigned magistrate judge issued findings and recommendations, recommending that this case be dismissed, without prejudice, for Plaintiff’s failure to comply with the court’s screening order issued on July 28, 2021. (Doc. No. 11.) The

1 pending findings and recommendations were served on plaintiff and contained notice that any  
2 objections thereto were to be filed within fourteen (14) days from the date of service. (*Id.*) To  
3 date, no objections to the findings and recommendations have been filed with the court, and the  
4 time in which to do so has now passed.

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

8 Accordingly,

- 9 1. The findings and recommendations issued by the magistrate judge on September  
10 20, 2021 (Doc. No. 11), are adopted in full;
- 11 2. This case is dismissed without prejudice, based on plaintiff's failure to comply  
12 with the court's screening order issued on July 28, 2021; and
- 13 3. The clerk is directed to close this case.

14  
15 IT IS SO ORDERED.

16 Dated: November 1, 2021

17   
18 \_\_\_\_\_  
19 UNITED STATES DISTRICT JUDGE  
20  
21  
22  
23  
24  
25  
26  
27  
28