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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUNTER D. THESUS,
Plaintiff,
v.
S. RAMOS, et al.,
Defendants.

No. 1:20-cv-00593-DAD-BAK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 57)

Plaintiff Gunter D. Thesus is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed 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) and Local Rule 302.

On September 23, 2021, defendants Gonzalez, Garcia, and Negrete filed a motion for summary judgment based on plaintiff's failure to exhaust his administrative remedies before filing suit as is required. (Doc. No. 48.) Defendant Ramos filed a separate motion for summary judgment based on the same reasoning. (Doc. No. 49.) On October 25, 2021, the assigned magistrate judge issued an order directing plaintiff to file responses to the pending motions for summary judgment within twenty-one (21) days. (Doc. No. 51.) Plaintiff failed to do so. Therefore, on May 16, 2022, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's case be dismissed without prejudice due to plaintiff's failure to comply with a court order and failure to prosecute. (Doc. No. 57.) Those findings and

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

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

7 Accordingly,

- 8 1. The findings and recommendations issued on May 16, 2022 (Doc. No. 57) are
9 adopted;
- 10 2. This action is dismissed without prejudice due to plaintiff's failure to comply with
11 a court order and failure to prosecute; and
- 12 3. The Clerk of the Court is directed to close this case and terminate all pending
13 motions.

14 IT IS SO ORDERED.

15 Dated: June 7, 2022

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18 UNITED STATES DISTRICT JUDGE
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