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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STARLENA FLEMING,
Plaintiff,
v.
M. PALLARES, et al.
Defendants.

No. 1:20-cv-00779-DAD-JLT (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 10)

Plaintiff Starlena Fleming is a state prisoner appearing *pro se* in this civil rights action brought 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 June 4, 2020, this case was transferred from the Northern District of California to this district. (Doc. Nos. 4, 5). At the time of the transfer, plaintiff had not paid filing fee or submitted an application to proceed *in forma pauperis*.

On January 15, 2021, the assigned magistrate judge issued an order requiring plaintiff to pay the \$400.00 filing fee or submit an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 within forty-five (45) days. (Doc. No. 8.) Plaintiff failed to respond to the order. On March 16, 2021, the assigned magistrate judge issued findings and recommendations, recommending this action be dismissed due to plaintiff's failure to respond to a court order and failure to prosecute. (Doc. No. 10.)

1 These findings and recommendations were served on plaintiff and contained notice that
2 any objections thereto were to be filed within fourteen (14) days from the date of service. (*Id.*
3 at 10.) Plaintiff did not file any objections, and the time to do so has 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 this case. Having carefully reviewed the entire file, the court finds the findings
6 and recommendations to be supported by the record and proper analysis.

7 Accordingly,

- 8 1. The findings and recommendations issued on March 16, 2021 (Doc. No. 10) are
9 adopted in full;
- 10 2. This action is dismissed without prejudice due to plaintiff's failure to prosecute
11 and for failure to comply with a court order; and
- 12 3. The Clerk of Court is directed to close this case.

13 IT IS SO ORDERED.

14 Dated: May 3, 2021



UNITED STATES DISTRICT JUDGE

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