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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARTIN SAIZ,
Plaintiff,
v.
SENIOR DEP. PUTNAM, et al.
Defendants.

No. 1:20-cv-01231-NONE-EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 25)

At the time this case was filed, plaintiff Martin Luiz Saiz was a state inmate or pretrial detainee¹ proceeding *pro se* and *in forma pauperis* in 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) and Local Rule 302.

On October 26, 2020, the assigned magistrate judge screened plaintiff’s complaint, concluding that plaintiff stated “cognizable claims against Defendants Putnam and Schrieber for (1) violating his due process rights with respect to housing him in administrative segregation and (2) violating his First Amendment rights by retaliating against him for his protected speech” but

¹ Plaintiff alleges the underlying actions occurred in Kings County Jail, which is where many pretrial detainees are held. However, plaintiff provided the court both an inmate number at the Kings County Jail and a CDCR inmate number, indicating that he was a sentenced inmate being held at the Kings County Jail. The Court therefore presumes that plaintiff had been convicted. Regardless, the distinction is not material here.

1 that plaintiff “faile[ed] to state any other claims.” (Doc. No. 6 at 9–10.) Plaintiff elected to
2 proceed on only those claims that the magistrate judge found cognizable in the screening order.
3 (Doc. No. 7). Accordingly, the magistrate judge issued findings and recommendations consistent
4 with the screening order, and, after no objections were filed, this Court adopted the findings and
5 recommendations. (Doc. Nos. 11, 14.)

6 After defendants answered the complaint, the magistrate judge ordered the parties to file
7 scheduling and discovery statements. (Doc. No. 19.) The statements were to identify information
8 helpful for discovery and the scheduling of the case, such as the parties’ claims and/or defenses,
9 the description and location of documents that may be used at trial, and the names and phone
10 numbers of potential witnesses. (*Id.*) On March 26, 2021, Defendants filed their scheduling and
11 discovery statement. (Doc. No. 20). Plaintiff did not file his statement by the deadline or request
12 an extension of time to do so.

13 Accordingly, on April 20, 2021, the magistrate judge *sua sponte* ordered that plaintiff be
14 granted 21 additional days to file his required statement. (Doc. No. 24.) Plaintiff was warned
15 that, if he again failed to file the required statement by the deadline, “the Court may issue findings
16 and recommendations to the assigned district judge, recommending that this action be dismissed,
17 without prejudice, for failure to prosecute and failure to comply with court orders.” (*Id.* at 1).
18 After the 21-day period for plaintiff to file his statement expired without plaintiff filing a
19 statement or any request for extension of time to file one, the magistrate judge issued findings and
20 recommendations on June 1, 2021, recommending that this case be dismissed, without prejudice,
21 due to plaintiff’s failure to comply with a court order and failure to prosecute this case along with
22 notice that any objections thereto were to be filed within fourteen (14) days from the date of
23 service. (Doc. No. 25 at 3–5.) Plaintiff has not filed any objections, and the time to do so has
24 since expired.

25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
26 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
27 court finds the findings and recommendations to be supported by the record and proper analysis.

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Accordingly,

1. The findings and recommendations issued on June 1, 2021, (Doc. No. 25), are adopted in full;
2. This case is dismissed, without prejudice, because of plaintiff's failure to comply with a court order and to prosecute this case; and
3. The Clerk of the Court is directed to assign a district judge to this action for purposes of closure and to close this case.

IT IS SO ORDERED.

Dated: July 20, 2021



UNITED STATES DISTRICT JUDGE