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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE GRAHAM CHOATE,  
Plaintiff,  
v.  
DAVID ROBINSON, et al.,  
Defendants.

No. 1:20-cv-01252-NONE-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 13)

Plaintiff George Graham Choate is proceeding *pro se* and *in forma pauperis* in this 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 February 25, 2021, the assigned magistrate judge entered an order allowing plaintiff's First Amended Complaint to proceed on plaintiff's claims against John Doe 1 and John Doe 2 for failure to protect and retaliation. (Doc. No. 11.) The assigned magistrate judge directed plaintiff to complete and return a subpoena form within thirty days so that he could subpoena documents that may allow him to identify the Doe defendants. (*Id.* at 6-7.) The Clerk of Court served the order by mail and it was returned undeliverable on March 10, 2021. Plaintiff did not respond to the assigned magistrate judge's order or file a notice of change of address.

On June 2, 2021, the assigned magistrate judge entered findings and recommendations recommending that this action be dismissed without prejudice due to plaintiff's failure to

1 prosecute this case and failure to comply with a court order. (Doc. No. 13.) The assigned  
2 magistrate judge gave plaintiff fourteen days from the date of service to file objections. (*Id.* at 3.)  
3 Plaintiff was also advised that the findings and recommendations would be vacated if he updated  
4 his current address within fourteen days. (*Id.* at 4.) The Clerk of Court served the findings and  
5 recommendations by mail and, on June 10, 2021, the findings and recommendations were  
6 returned undeliverable. Plaintiff has not updated his address, filed any objections, or otherwise  
7 responded to the findings and recommendations.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
9 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
10 magistrate judge's findings and recommendations are supported by the record and by proper  
11 analysis.

12 Accordingly,

- 13 1. The findings and recommendations entered on June 2, 2021 (Doc. No. 13), are  
14 adopted in full;
- 15 2. This action is dismissed without prejudice based on plaintiff's failure to prosecute this  
16 case and failure to comply with a court order; and
- 17 3. The Clerk of Court is directed to assign a district judge for the purpose of closing this  
18 case and then to close this case.

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20 IT IS SO ORDERED.

21 Dated: July 30, 2021

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24 UNITED STATES DISTRICT JUDGE  
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