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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MAURICE MCCOY,

Plaintiff,

v.

PHILADELPHIA INSURANCE
COMPANY,

Defendant.

No. 1:20-cv-01329-NONE-SKO

ORDER ADOPTING FINDINGS AND
RECOMMENDATION

(Doc. No. 35)

On March 24, 2020, plaintiff filed the complaint in this case against defendant in the Eighth Judicial District Court, Clark County, Nevada. (Doc. No. 1-3.) The action was removed to the United States District Court for the District of Nevada on May 15, 2020 (*see* Doc. No. 1) and subsequently transferred to the United States District Court for the Eastern District of California, Fresno Division, on September 18, 2020 (*see* Doc. No. 12).

On May 4, 2021, defendant filed a status report indicating that plaintiff refused to cooperate in preparing a joint scheduling report, as required by the court’s Order Setting Mandatory Scheduling Conference (Doc. No. 13). (*See* Doc. No. 30 at 2.) After plaintiff failed to appear at the mandatory scheduling conference on May 6, 2021 (*see* Doc. No. 32), the assigned magistrate judge ordered plaintiff to show cause (“OSC”) why the case should not be dismissed for his failure to comply with the court’s Order Setting Mandatory Scheduling Conference (Doc. No. 13) and for his failure to prosecute the case. (Doc. No. 33.) Plaintiff was warned that the

1 failure to comply with the court's order would result in a recommendation of dismissal to the
2 presiding district judge. (*Id.*)

3 On June 9, 2021, the assigned magistrate judge issued findings and recommended that the
4 case be dismissed with prejudice for failing to comply with the court's orders and for failure to
5 prosecute this action. (Doc. No. 35.) Plaintiff was granted fourteen (14) days in which to file
6 objections to the findings and recommendation. (*Id.*) No objections have been filed, and the time
7 to do so has passed.

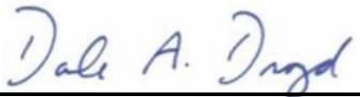
8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
9 *de novo* review of the case. Having carefully reviewed the entire file, the court finds that the
10 findings and recommendation are supported by the record and proper analysis.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The findings and recommendation issued June 9, 2021 (Doc. No. 35) are adopted
13 in full;
- 14 2. This action is dismissed with prejudice based on plaintiff's failure to obey court
15 orders and failure to prosecute this action; and
- 16 3. The Clerk of Court is directed to close this case.

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18 IT IS SO ORDERED.

19 Dated: July 13, 2021



UNITED STATES DISTRICT JUDGE

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