UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL GONZALES, Plaintiff, v. HARMON, *et al.*, Defendants.	No. 1:21-cv-00796-NONE-BAM (PC) ORDER ADOPTING FINDINGS AND RECOMMENDATIONS TO DISMISS ACTION, WITH PREJUDICE, FOR FAILURE TO STATE A CLAIM, FAILURE TO OBEY A COURT ORDER, AND FAILURE TO PROSECUTE (Doc. No. 13)

Plaintiff Michael Gonzales is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 11, 2021, the assigned magistrate judge issued a screening order granting plaintiff leave to file a first amended complaint or a notice of voluntary dismissal within thirty (30) days. (Doc. No. 8.) Plaintiff was warned that his failure to comply with the court's order would result in a recommendation for dismissal of this action, with prejudice, for failure to obey a court order and for failure to state a claim. (*Id.* at 10.) Following the granting of an extension of time, plaintiff nonetheless did not file an amended complaint or otherwise communicate with the court.

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Therefore, on November 8, 2021, the magistrate judge issued findings and recommendations recommending dismissal of this action, with prejudice, for failure to state a claim pursuant to 28 U.S.C. § 1915A, failure to obey a court order, and failure to prosecute. (Doc. No. 13.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen days after service. (*Id.* at 12.) Plaintiff has not filed objections, and the deadline to do so has now passed.

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

Accordingly,

1. The findings and recommendations issued on November 8, 2021, (Doc. No. 13), are adopted;
2. This action is dismissed due to plaintiff's failure to state a claim, failure to obey a court order, and failure to prosecute; and
3. The Clerk of the Court is directed to assign a district judge to this case for the purpose of closing the case and then to close this case.

IT IS SO ORDERED.

Dated: **December 8, 2021**

Dale A. Drozd
UNITED STATES DISTRICT JUDGE