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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PRECILIANO TOMAS CHAIDEZ,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS & REHABILITATION,
et al.,

Defendants.

No. 1:21-cv-01189-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION, WITHOUT PREJUDICE, FOR
FAILURE TO OBEY A COURT ORDER
AND FAILURE TO PROSECUTE

(Doc. No. 7)

Plaintiff Preciliano Tomas Chaidez is a state prisoner proceeding *pro se* 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 9, 2021, the assigned magistrate judge issued an order for plaintiff to submit an application to proceed *in forma pauperis* or pay the \$402.00 filing fee to proceed with this action. (Doc. No. 3.) Plaintiff did not submit an application to proceed *in forma pauperis*, pay the filing fee, or otherwise respond to the court’s order.

Accordingly, on October 26, 2021, the magistrate judge issued findings and recommendations recommending dismissal of this action, without prejudice, for failure to obey a court order and failure to prosecute. (Doc. No. 7.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within

1 fourteen days after service. (*Id.* at 3–4.) No objections have been filed, and the deadline to do so
2 has now passed.

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

7 Accordingly,

- 8 1. The findings and recommendations issued on October 26, 2021, (Doc. No. 7), are
9 adopted in full;
- 10 2. This action is dismissed, without prejudice, due to plaintiff’s failure to obey a
11 court order, failure to pay the filing fee, and failure to prosecute; and
- 12 3. The Clerk of the Court is directed to assign a district judge to this case for the
13 purpose of closing the case and then to close this case.

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15 IT IS SO ORDERED.

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16 Dated: November 19, 2021

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UNITED STATES DISTRICT JUDGE

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