

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NARISSA MELERO,

Plaintiff,

v.

GABRIEL RUIZ, JOSE VARGAS,
COUNTY OF FRESNO CHILD
PROTECTIVE SERVICES,

Defendants.

No. 1:22-cv-01579-ADA-HBK

ORDER ADOPTING FINDINGS AND
RECOMMENDATION

(ECF No. 7)

Plaintiff Narissa Melero (Plaintiff) is proceeding pro se and *in forma pauperis* in this 42 U.S.C. § 1983 civil rights action. 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 December 12, 2022, the Court struck the complaint under Fed. R. Civ. P. 11 because it was not signed and directed Plaintiff to file a signed complaint within 30 days. (ECF No. 4.) On January 17, 2022, after Plaintiff failed to comply with the Court’s order to file a signed complaint, the Court ordered Plaintiff to either file a signed complaint or show good cause why her case should not be dismissed under Fed. R. Civ. P. 41 and Local Rule 110 and 183. (ECF No. 6 at 2.) The order was returned as undeliverable. (*See* docket.)

On February 28, 2023, the assigned Magistrate Judge issued findings and recommendations recommending that this matter be dismissed without prejudice for Plaintiff’s

1 failure to comply with this Court's orders and for failure to prosecute this action pursuant Fed. R.
2 Civ. P. 41 and Local Rules 110 and 183. (ECF No. 7 at 5.) The findings and recommendations
3 contained notice that any objections were to be filed within fourteen (14) days of the date of
4 service. (*Id.*) The findings and recommendations were returned as undeliverable. (*See* docket.)
5 To date, Plaintiff has not filed a notice of change of address, filed a signed complaint or filed any
6 objections to the findings and recommendations and the time to do so has expired.

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

11 Accordingly, IT IS SO ORDERED that:

- 12 1. The findings and recommendation filed on February 28, 2023, (ECF No. 7.), are
13 ADOPTED in full;
- 14 2. This action is DISMISSED, without prejudice; and
- 15 3. The Clerk of Court is directed to TERMINATE any pending motions and to CLOSE
16 this case.

17
18
19 IT IS SO ORDERED.

20 Dated: April 6, 2023

21 
22 _____
23 UNITED STATES DISTRICT JUDGE
24
25
26
27
28