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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RAYMOND CALLOWAY,

 Plaintiff,

 v.

CDCR, L. LUNDY, T. VALDEZ, and H.
MOSELEY,

 Defendants.

No. 1:23-cv-0034 JLT HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THE CASE+

(Doc. 13)

Raymond Calloway seeks to hold the defendants liable for civil rights violations pursuant to 42 U.S.C. § 1983. (*See* Doc. 10.) The magistrate judge screened the First Amended Complaint pursuant to 28 U.S.C. § 1915A, and found it failed to state a cognizable claim. (*See generally* Doc. 11.) The magistrate judge directed Plaintiff to file any amended complaint “[n]o later than October 16, 2023.” (Doc. 11 at 10, emphasis omitted.) Alternatively, the Court informed Plaintiff that he could file a notice of voluntary dismissal. (*Id.*) The Court advised that failing to take either action would result in a recommendation that the action be dismissed for failure to state a claim. (*Id.*) Plaintiff did not file an amended complaint or respond to the order.

Following Plaintiff’s failure to respond to the Court’s order, the magistrate judge recommended the matter be dismissed for Plaintiff’s failure to prosecute and failure to comply with the Court’s order. (Doc. 13.) The Findings and Recommendations notified him that any objections were to be filed within 14 days of the date of service. (*Id.* at 5.) He did not object, and

1 the time to do so expired. (*See* Docket.)

2 According to 28 U.S.C. § 636(b)(1)(C), the Court performed a de novo review of this
3 case. Having carefully reviewed the entire file, the Court concludes the Findings and
4 Recommendations are supported by the record and by proper analysis. Thus, the Court

5 **ORDERS:**

- 6 1. The Findings and Recommendations filed on November 6, 2023 (Doc. 13) are
7 **ADOPTED** in full.
8 2. This action is **DISMISSED** without prejudice.
9 3. The Clerk of Court is directed to close this case.

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11 IT IS SO ORDERED.

12 Dated: **December 19, 2023**


UNITED STATES DISTRICT JUDGE

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