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

BENITO JOSE SARAGOZA,  
Plaintiff,  
v.  
JOHN DOE NO. 1, *et al.*,  
Defendants.

Case No.: 1:23-cv-00355 JLT BAM (PC)  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS REGARDING  
DISMISSAL OF ACTION FOR FAILURE TO  
PROSECUTE AND FAILURE TO OBEY A  
COURT ORDER  
(Doc. 16)

Benito Jose Saragoza is a former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. (Docs. 1, 10.) 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 June 28, 2023, the assigned magistrate judge screened the complaint and directed Plaintiff to either file a first amended complaint or to notify the Court of his willingness to proceed on the cognizable claims identified by the Court. (Doc. 13.) The order was served on Plaintiff at his then-current address of record, but was returned on July 12, 2023, as “Undeliverable, Inmate Discharged/Inactive.” Following a notice of change of address filed in another pending case, the Court served the screening order to the address provided in that other case. (Doc. 14.) On August 21, 2023, the Court’s order was again returned, as “Undeliverable, Not Deliverable as Addressed.”

The extended deadline for Plaintiff to file an amended complaint or a notice of his

1 willingness to proceed on the cognizable claims identified has passed, and Plaintiff has failed to  
2 respond to the Court's orders, file a notice of change of address, or otherwise communicate with  
3 the Court. Therefore, on November 7, 2023, the magistrate judge issued Findings and  
4 Recommendations recommending dismissal of this action, without prejudice, for failure to obey a  
5 Court order and failure to prosecute. (Doc. 16.) The Court served the Findings and  
6 Recommendations on Plaintiff and notified him that any objections thereto were to be filed within  
7 fourteen days after service. (*Id.* at 4.) Plaintiff did not file objections, and the deadline to do so  
8 has passed.

9 According to 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a *de novo* review of the  
10 case. Having carefully reviewed the entire file, the Court concludes that the magistrate judge's  
11 Findings and Recommendations are supported by the record and by proper analysis. Based on the  
12 foregoing, the Court **ORDERS**:

- 13 1. The Findings and Recommendations issued on November 7, 2023, (Doc. 16), are  
14 **ADOPTED** in full.
- 15 2. This action is **DISMISSED**, without prejudice, due to Plaintiff's failure to obey  
16 Court orders and failure to prosecute.
- 17 3. The Clerk of Court is directed to close this case.

18  
19 IT IS SO ORDERED.

20 Dated: December 12, 2023

  
UNITED STATES DISTRICT JUDGE