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

MICHAEL GERALD DIKES,)	Case No.: 1:23-cv-0370 JLT CDB
)	
Plaintiff,)	ORDER ADOPTING IN FULL THE FINDINGS
)	AND RECOMMENDATIONS, DISMISSING THE
v.)	ACTION WITHOUT PREJUDICE, AND
)	DIRECTING THE CLERK OF COURT TO CLOSE
MS. DIAZ, et al.,)	THIS CASE
)	
Defendants.)	(Doc. 9)
)	
)	

Michael Gerald Dikes seeks to hold the defendants liable for violations of his civil rights at Valley State Prison. (*See generally* Doc. 1.) The magistrate judge screened Plaintiff’s complaint pursuant to 28 U.S.C. § 1915A(a) and found Plaintiff failed to state a cognizable claim upon which relief may be granted. (Doc. 8 at 4-9.) The Court provided the relevant legal standards and granted Plaintiff an opportunity to file an amended complaint. (*See id.*) The Court also informed Plaintiff that failure to file an amended complaint would result in a recommendation that the action be dismissed. (*Id.* at 10.)

After Plaintiff failed to file an amended complaint or otherwise respond, the magistrate judge found Plaintiff failed to prosecute the action and failed to comply with the Court’s order. (Doc. 9 at 1.) The magistrate judge determined terminating sanctions are appropriate after considering the factors identified by the Ninth Circuit in *Carey v. King*, 856 F.2d 1439, 1440 (9th Cir. 1988). (*Id.* at 2-4.) Therefore, the magistrate judge recommended the Court dismiss the action without prejudice. (*Id.* at 4.)

1 The Court served the Findings and Recommendations on Plaintiff and notified him that any
2 objections were due within 14 days. (Doc. 8 at 4.) The Court advised him that the “failure to file any
3 objections within the specified time may result in the waiver of certain rights on appeal.” (*Id.* at 5,
4 citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections,
5 and the time to do so has passed.

6 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
7 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are
8 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 9 1. The Findings and Recommendations dated December 4, 2024 (Doc. 5) are **ADOPTED**
10 in full.
- 11 2. The action is **DISMISSED** without prejudice.
- 12 3. The Clerk of Court is directed to close this case.

13
14 IT IS SO ORDERED.

15 Dated: January 2, 2025


UNITED STATES DISTRICT JUDGE