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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT MCELWEE,
Plaintiff,
v.
SHIRLEY, et al.,
Defendants.

No. 1:23-cv-00513-ADA-BAM (PC)
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION, WITHOUT PREJUDICE, FOR
FAILURE TO OBEY COURT ORDER AND
FAILURE TO PROSECUTE
(ECF No. 4)

Plaintiff Robert McElwee (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This action was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 6, 2023, the assigned Magistrate Judge issued findings and recommendations recommending dismissal of this action, without prejudice, for failure to obey a court order and failure to prosecute this action. (ECF No. 4.) Those findings and recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within fourteen days after service. (*Id.* at 3-4.) No objections have been filed, and the deadline to do so has now passed.

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


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Accordingly,

1. The findings and recommendations issued on June 6, 2023, (ECF No. 4), are adopted in full;
2. This action is dismissed, without prejudice, due to Plaintiff's failure to obey a court order and failure to prosecute; and
3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: July 17, 2023



UNITED STATES DISTRICT JUDGE