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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PRENTICE RAY THOMAS,

Plaintiff,

v.

NEWSOM, *et al.*,

Defendants.

No. 1:23-cv-00622-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
ACTION, WITH PREJUDICE, FOR FAILURE
TO STATE A CLAIM, FAILURE TO OBEY A
COURT ORDER, AND FAILURE TO
PROSECUTE

(Doc. 13)

Plaintiff Prentice Ray Thomas is a county jail inmate and former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 302.

On September 13, 2023, the assigned magistrate judge issued a screening order granting plaintiff leave to file a first amended complaint or a notice of voluntary dismissal within thirty (30) days. Doc. 7. Plaintiff was warned that failure to comply with the court’s order would result in a recommendation for dismissal of this action, with prejudice, for failure to obey a court order and for failure to state a claim. *Id.* at 10. Plaintiff was granted two extensions to file an amended complaint, but plaintiff did not file an amended complaint and has not otherwise communicated with the court since November 27, 2023.

On January 16, 2024, the magistrate judge issued findings and recommendations

1 recommending dismissal of this action, with prejudice, for failure to state a claim pursuant to 28
2 U.S.C. § 1915A, failure to obey a court order, and failure to prosecute. Doc. 13. Those findings
3 and recommendations were served on plaintiff and contained notice that any objections thereto
4 were to be filed within fourteen days after service. *Id.* at 11–12. Plaintiff has not filed objections,
5 and the deadline to do so has passed. *See* docket.

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

10 Based upon the foregoing, the Court **ORDERS**:

- 11 1. The findings and recommendations issued on January 16, 2024, Doc. 13, are
12 adopted in full;
- 13 2. This action is dismissed, with prejudice, due to plaintiff’s failure to state a claim,
14 failure to obey a court order, and failure to prosecute; and
- 15 3. The Clerk of the Court is directed to close this case.

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18 IT IS SO ORDERED.

19 Dated: November 22, 2024

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UNITED STATES DISTRICT JUDGE