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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL DURELL EALY,  
  
Plaintiff,  
  
v.  
  
CENTRAL INTELLIGENCE AGENCY, et  
al.,  
  
Defendants.

No. 1:23-cv-01136-ADA-SAB  
  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND  
DISMISSING THIS ACTION  
  
(ECF Nos. 2, 7)

Plaintiff Michael Durell Ealy, who is incarcerated and proceeding pro se, initiated this civil rights action pursuant to 42 U.S.C. § 1983 on August 1, 2023. (ECF No. 1.) Plaintiff also submitted an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF No. 2.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Since Plaintiff had inaccurately completed the previously filed application, on August 2, 2023, the Court ordered Plaintiff to either file another application to proceed in forma pauperis or pay the filing fee within forty-five days of entry of the Order. (ECF No. 5 at 2.) Plaintiff has not filed an application to proceed in forma pauperis nor has he paid the filing fees for this case and the time in which to do so has expired.

On September 20, 2023, the assigned Magistrate Judge issued findings and recommendation, recommending this action be dismissed for Plaintiff's failure to comply with

1 court order, failure to prosecute, and failure to pay filing fee. (ECF No. 7.) The findings and  
2 recommendations were served on Plaintiff and contained notice that any objections were to be  
3 filed within fourteen days after service. (*Id.* at 3-4.) To date, no objections have been filed and  
4 the time to do so has passed.

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

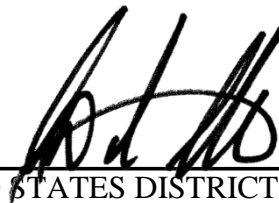
9 Accordingly,

- 10 1. The findings and recommendations dated September 20, 2023, (ECF No. 7), are  
11 ADOPTED in FULL;
- 12 2. Plaintiff’s application to proceed in forma pauperis, (ECF No. 2), is DENIED;
- 13 3. This action is DISMISSED without prejudice; and
- 14 4. The Clerk of Court is directed to CLOSE this action.

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IT IS SO ORDERED.

Dated: October 25, 2023

  
UNITED STATES DISTRICT JUDGE