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

JORGE LUIS VALDEZ, JR.,)	Case No.: 1: 23-cv-1729 JLT HBK (PC)
Plaintiff,)	
v.)	ORDER ADOPTING FINDINGS AND
)	RECOMMENDATIONS, DISMISSING THE
CALIFORNIA DEPARTMENT OF)	ACTION WITHOUT PREJUDICE, AND
CORRECTIONS & REHABILITATION, <i>et al.</i> ,)	DIRECTING THE CLERK OF COURT TO
Defendants.)	CLOSE THIS CASE
)	(Doc. 24)
)	
)	

Jorge Luis Valdez initiated this action seeking to hold the defendants liable for violations of his civil rights while incarcerated at the California Correctional Institution, Calipatria State Prison, and High Desert State Prison. (*See generally* Doc. 1.) The magistrate judge screened Plaintiff’s complaint pursuant to 28 U.S.C. § 1915A(a) and found he failed to state a claim upon which relief may be granted. (Doc. 22 at 6-10.) In the Screening Order, the Court granted Plaintiff three options: (1) file an amended complaint addressing the identified deficiencies; (2) notify the Court he chose to proceed with his original complaint, although also warned it was subject to dismissal; or (3) voluntarily dismiss the action. (*Id.* at 11.)

After Plaintiff failed to respond to the Screening Order in any way, the magistrate judge recommended the action “be dismissed without prejudice for Plaintiff’s failure to obey court orders and failure to prosecute.” (Doc. 24 at 4-5, emphasis omitted.) In finding terminating sanctions were appropriate, the magistrate judge considered the factors identified by the Ninth Circuit in *Henderson v.*

1 *Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986), and found the factors weighed in favor of dismissal.
2 (*Id.* at 3-4.)

3 The Court served the Findings and Recommendations on Plaintiff and notified him that any
4 objections were due within 14 days. (Doc. 25 at 5.) The Court advised Plaintiff that the “[f]ailure to
5 file objections within the specified time may result in waiver of certain rights on appeal.” (*Id.*, citing
6 *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the
7 time to do so has passed.

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

- 11 1. The Findings and Recommendations issued on June 10, 2024 (Doc. 24) are **ADOPTED**
12 in full.
- 13 2. This action is **DISMISSED** without prejudice.
- 14 3. The Clerk of Court is directed to close this case.

15
16 IT IS SO ORDERED.

17 Dated: July 2, 2024


UNITED STATES DISTRICT JUDGE