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

EDWARD TORRES,  
  
                                Plaintiff,  
  
          v.  
  
JASPREET SINGH KHAIRA,  
  
                                Defendant.

Case No. 1:24-cv-0155 JLT SAB (PC)  
  
**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DISMISSING THE  
ACTION WITHOUT PREJUDICE, AND  
DIRECTING THE CLERK OF COURT TO  
CLOSE THIS CASE**  
  
(Doc. 12)

Edward Torres initiated this action seeking to hold Jaspreet Singh Khaira, an employee of a Valero gas station, liable for violations of his civil rights. (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. 10 at 3-4.) The Court granted Plaintiff an opportunity to file an amended complaint, and informed Plaintiff that failure to do so would result in a recommendation that the action be dismissed. (*Id.* at 5.)

After Plaintiff failed to file an amended complaint or otherwise respond to the Court’s order, the magistrate judge reiterated the findings that Plaintiff failed to state a claim, and recommended the action be dismissed without prejudice. (Doc. 12 at 3-5.) In addition, the magistrate judge found terminating sanctions—including dismissal of the action without prejudice—were appropriate for Plaintiff’s failure to prosecute the action and failure to obey the Court’s order to file an amended complaint, after considering the factors identified by the Ninth

1 Circuit. (*Id.* at 6-7.) The Court served these Findings and Recommendations on Plaintiff and  
2 notified him that any objections were due within 30 days. (*Id.* at 7.) The Court advised him that  
3 the “[f]ailure to file objections within the specified time may result in the waiver of rights on  
4 appeal.” (*Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did  
5 not file objections, and the time to do so expired.

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  
8 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 9 1. The Findings and Recommendations dated February 19, 2024 (Doc. 12) are  
10 **ADOPTED** in full.
- 11 2. This action is **DISMISSED** without prejudice.
- 12 3. The Clerk of Court is directed to close this case.

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14 IT IS SO ORDERED.

15 Dated: June 4, 2024

  
UNITED STATES DISTRICT JUDGE

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