

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL A. LUJAN,

Plaintiff,

Y.

KEVIN HIXON, et al.,

Defendants.

No. 1:24-cv-00187-KES-SAB (PC)

ORDER ADOPTING IN PART FINDINGS
AND RECOMMENDATIONS AND
DISMISSING ACTION WITHOUT
PREJUDICE

Doc. 17

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff filed the instant action on August 31, 2023 in the United States District Court for the Central District of California. On February 8, 2024, the action was transferred to this Court. Doc. 11. On March 14, 2024, the magistrate judge screened plaintiff's complaint, found no cognizable claims, and granted plaintiff thirty days to file an amended complaint.¹ Doc. 14. Plaintiff did not file an amended complaint. On April 23, 2024, the magistrate judge issued an order to show cause as to why the action should not be dismissed for failure to prosecute, failure to comply with a court order, and failure to state a cognizable claim for relief. Doc. 15. Plaintiff

¹ The March 14, 2024 order was returned as “Undeliverable, Inactive, Not Deliverable as Addressed.” See Docket. Plaintiff never filed a notice of change of address.

did not file a response to the order to show cause.

On May 20, 2024, the assigned magistrate judge issued findings and recommendations recommending dismissal of the action for failure to prosecute, failure to comply with a court order, and failure to state a cognizable claim for relief. Doc. 17. The 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 13. Plaintiff has not filed objections, and the time to do so has passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of the case. Having carefully reviewed the file, the Court concludes that the findings and recommendations as to plaintiff's failure to prosecute and failure to obey court orders are supported by the record and by proper analysis.

Accordingly, IT IS ORDERED that:

1. The findings and recommendations issued May 20, 2024, Doc. 17, are ADOPTED IN PART;
2. This matter is DISMISSED without prejudice for failure to prosecute and failure to comply with a court order; and
3. The Clerk of the Court is directed to CLOSE this case.

IT IS SO ORDERED.

Dated: March 5, 2025


Keith S. Frizzell