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

RAMSEY BERRY,

Plaintiff,

v.

SINATRA, et al.,

Defendants.

Case No.: 1:24-cv-0552 JLT EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL,
DISMISSING THE ACTION WITHOUT
PREJUDICE, TERMINATING DEFENDANTS'
MOTION FOR JUDGMENT ON THE
PLEADINGS AS MOOT, AND DIRECTING
THE CLERK OF COURT TO CLOSE THE
CASE

(Docs. 7, 13)

Ramsey Berry initiated this action by filing a complaint in Tulare County Superior Court, which the defendants removed to this Court in May 2024. The magistrate judge found Plaintiff failed to prosecute the action and failed to comply with the Court's order. (Doc. 13 at 1-2.) The magistrate judge found dismissal of this action without prejudice was appropriate, after considering the factors identified by the Ninth Circuit in *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002). (*Id.* at 3-4.)

The Court served these Findings and Recommendations on the parties and notified Plaintiff that any objections were due within 30 days. (Doc. 13 at 4.) The Court advised Plaintiff that the “[f]ailure to file objections within the specified time may result in the waiver of rights on appeal.” (*Id.* at 5, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Neither Plaintiff nor Defendants filed objections, and the time to do so expired.

1 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
2 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
3 are supported by the record and proper analysis. Plaintiff has not taken any action in this matter
4 following removal from the Tulare County Superior Court. Thus, the Court **ORDERS**:

- 5 1. The Findings and Recommendations issued on October 10, 2024 (Doc. 13) are
6 **ADOPTED** in full.
- 7 2. This action is **DISMISSED** without prejudice for Plaintiff's failure to prosecute and
8 failure to obey the Court's order.
- 9 3. Defendants' motion for judgment on the pleadings (Doc. 7) is terminated as **MOOT**.
- 10 4. The Clerk of Court is directed to close this case.

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12 IT IS SO ORDERED.

13 Dated: November 25, 2024


UNITED STATES DISTRICT JUDGE

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