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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JOSE RAMIREZ TORRES,

No. 2:07-cv-00193-MCE-CMK-P

Plaintiff,

vs.

ORDER

Unknown,

Defendant.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil action.¹ The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On December 28, 2007, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within 20 days. Timely objections to the findings and recommendations have been filed.

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¹ Based on recent filings, it appears that plaintiff may actually be attempting to asserts claims pursuant to 28 U.S.C. § 2254.


1 In the objections, which were filed on plaintiff's behalf by another inmate, plaintiff states
2 that this case should not be dismissed because, due to his lack of English proficiency, he cannot
3 "prosecute [his] claims either effectively and/or promptly. . . ." The issue addressed in the
4 findings and recommendations, however, was whether the action should be dismissed due to
5 plaintiff's repeated failure to comply with the court's orders. Specifically, and notwithstanding
6 repeated extensions of time, plaintiff has not resolved the fee status for this case. Nor has he
7 filed a proper operative pleading. Finally, he apparently has the assistance of someone who does
8 speak English. Therefore, plaintiff's assertion that language difficulties preclude him from
9 complying ring hollow.

10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304,
11 this court has conducted a de novo review of this case. Having carefully reviewed the entire file,
12 the court finds the findings and recommendations to be supported by the record and by proper
13 analysis.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The findings and recommendations filed December 28, 2007, are adopted in full;
- 16 2. This action is dismissed, without prejudice, for lack of prosecution and failure to
17 comply with court rules and orders; and
- 18 3. The Clerk of the Court is directed to enter judgment and close this file.

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20 Dated: February 1, 2008

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22 MORRISON C. ENGLAND, JR.
23 UNITED STATES DISTRICT JUDGE
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