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

FRANK LEE DEARWESTER,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, et al.,

Defendants.

No. 2:15-cv-0443-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by Eastern District of California local rules.

On October 16, 2020, the Magistrate Judge filed findings and recommendations, which were served on the parties and which contained notice that the parties may file objections within the time specified therein. While plaintiff has filed a request for clarification regarding the payment of fees associated with past filings, ECF No. 21, he has not filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations

1 of law by the magistrate judge are reviewed de novo by both the district court and [the appellate]
2 court . . .”). Having reviewed the file, the court finds the findings and recommendations to be
3 supported by the record and by the proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations filed October 16, 2020, are adopted in
6 full;
- 7 2. This action is dismissed without prejudice for lack of prosecution and
8 failure to comply with court rules and orders; and
- 9 3. The Clerk of the Court is directed to enter judgment and close this file.

10 DATED: January 28, 2021.

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13 CHIEF UNITED STATES DISTRICT JUDGE
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