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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM NATHANIEL
WASHINGTON,

Plaintiff,

v.

M. KUERSTEN,

Defendant.

No. 2:15-cv-02302-DAD-DMC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION DUE TO PLAINTIFF’S FAILURE
TO PROSECUTE AND FAILURE TO OBEY
COURT ORDERS

(Doc. No. 78)

Plaintiff William Nathaniel Washington is a former county jail inmate proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 15, 2022, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff’s failure to prosecute and failure to obey court orders. (Doc. No. 78.) In particular, on May 2, 2022, a service copy of a minute order issued by the previously assigned district judge was mailed to plaintiff at his address of record and was returned to the court marked as “Undeliverable, released.” Thus, plaintiff was required to file a notice of his change of address with the court no later than July 11, 2022. Plaintiff did not do so. Similarly, on September 27, 2022, the court ordered plaintiff to submit a status report, and the service copy of that order was

1 mailed to plaintiff at his address of record and was returned to the court marked as
2 “Undeliverable, Released.” Thus, plaintiff was required to file a notice of his change of address
3 with the court no later than December 22, 2022. To date, plaintiff has not filed a status report as
4 ordered nor a notice of his change of address, or otherwise communicated with the court. Thus, it
5 appears that plaintiff has abandoned this action. The pending findings and recommendations
6 were served on the parties and contained notice that any objections thereto were to be filed within
7 fourteen (14) days after service. (Doc. No. 78 at 2.) To date, no objections to the findings and
8 recommendations have been filed, and the time in which to do so has now passed.¹

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
10 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
11 findings and recommendations are supported by the record and by proper analysis.

12 Accordingly:

- 13 1. The findings and recommendations issued on November 15, 2022 (Doc. No. 78)
14 are adopted in full;
- 15 2. This action is dismissed, without prejudice, due to plaintiff’s failure to prosecute
16 this action and failure to obey court orders; and
- 17 3. The Clerk of the Court is directed to close this case.

18 IT IS SO ORDERED.

19 Dated: January 4, 2023

20 
UNITED STATES DISTRICT JUDGE

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27 ¹ The service copy of the findings and recommendations, which was mailed to plaintiff at his
28 address of record, was also returned to the court marked as “Undeliverable, Return to Sender,
Attempted, Not Known, Unable to Forward.”