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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID WESLEY BIRRELL, et al.,
Plaintiffs,
v.
ROBERT W. FOX, et al.,
Defendants.

No. 2:16-cv-1818 KJM CKD P

ORDER

Plaintiffs, state prisoners proceeding pro se and individually, have filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 4, 2022, the magistrate judge filed findings and recommendations herein recommending that plaintiffs Loughmiller, Preyer and Acevedo be dismissed. ECF No. 60. The findings and recommendations were served on all parties and contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. No objections were filed.

The court notes that copies of the August 4, 2022, findings and recommendations served upon plaintiffs Acevedo and Loughmiller were returned by the U.S. Postal Service. It is a plaintiff's responsibility to keep the court apprised of their current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1 The court presumes that any findings of fact are correct. *See Orand v. United States*,
2 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed
3 de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law
4 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court
5 . . .”). Having reviewed the file, the court finds the findings and recommendations to be
6 supported by the record and by the proper analysis.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations filed August 4, 2022 (ECF No. 60) are adopted in
9 full; and
- 10 2. Plaintiffs Loughmiller, Preyer and Acevedo are dismissed.

11 DATED: January 17, 2023.

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15 CHIEF UNITED STATES DISTRICT JUDGE
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