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

ROBERT WILLIAM TUNSTALL, JR.,
Plaintiff,
v.
JOSEPH BICK, et al.,
Defendants.

No. 2:16-CV-02604-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 August 3, 2023, 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. No objections to the findings and recommendations have been filed.

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 of law by the magistrate judge are reviewed de novo by both the district court and [the appellate]

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1 court . . .”). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis.

3 Although it appears from the file that plaintiff’s copy of the findings and
4 recommendations was returned, plaintiff was properly served. Pursuant to Local Rule 182(f),
5 service of documents at the record address of the party is fully effective.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations filed August 3, 2023, are adopted in
8 full.
- 9 2. This action is DISMISSED pursuant to Federal Rule of Civil Procedure
10 25(a)(1).
- 11 3. Defendants’ motion to revoke Plaintiff’s in forma pauperis status, ECF
12 No. 116, be DENIED as moot.
- 13 4. The Clerk of the Court is directed to enter judgment and close this file.

14 DATED: September 12, 2023.

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18 CHIEF UNITED STATES DISTRICT JUDGE
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