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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMES C. McCURDY, Plaintiff, v. M. RIVERO, et al., Defendants.	No. 2:17-cv-01449-TLN-AC **ORDER**

Plaintiff James C. McCurdy ("Plaintiff"), a state prisoner proceeding *pro se*, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 23, 2020, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 38.) Plaintiff has not filed objections to the findings and recommendations.

Accordingly, 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 Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983); *see also* 28 U.S.C. § 636(b)(1).

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Having reviewed the file under the applicable legal standards, the Court finds the Findings and Recommendations to be supported by the record and by the magistrate judge's analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations filed July 23, 2020 (ECF No. 38), are adopted in full; and

2. This action is DISMISSED without prejudice for lack of prosecution. E.D. Cal. L.R. 110; Fed. R. Civ. P. 41(b).

3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

DATED: August 26, 2020

Troy L. Nunley
United States District Judge