1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 DEXTER BROWN, No. 2:17-cv-2041 KJM AC P 12 Plaintiff. 13 **ORDER** v. 14 PURUSHOTTAMA SAGIREDDY, 15 Defendant. 16 17 Plaintiff, a state prisoner proceeding pro se who is now deceased, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred a United States Magistrate 18 19 Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On June 10, 2020, defense counsel filed a notice of plaintiff's death and informed any 21 potential successor in interest that this action must be dismissed if a motion for substitution was 22 not made within 90 days. See Fed. R. Civ. P. 25(a)(1). At the conclusion of the 90-day period, 23 no motion for substitution was filed. On September 10, 2020, the magistrate judge filed findings 24 and recommendations, which were served on plaintiff's last address of record and contained 25 notice therein that any objections were to be filed within fourteen days. Although plaintiff's copy 26 of the findings and recommendations was returned, service of documents at the record address of 27 a party is fully effective. See Local Rule 182(f). 28 ///// 1

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] court . . . . "). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

## Accordingly, IT IS HEREBY ORDERED that:

- 1. The findings and recommendations filed September 10, 2020, are adopted in full; and
- 2. This action is dismissed pursuant to Rule 25(a)(1), Federal Rules of Civil Procedure.

DATED: October 1, 2020.

CHIEF UNITED STATES DISTRICT JUDGE