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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RODNEY JEROME WOMACK,  
Plaintiff,  
v.  
DAVID BAUGHMAN, Warden, et al.,  
Defendants.

No. 2:17-cv-02708-TLN-KJN

**ORDER**

Plaintiff Rodney Jerome Womack (“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 September 2, 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. 40.) Plaintiff has not filed objections to the findings and recommendations.<sup>1</sup>

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

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<sup>1</sup> On August 25, 2020, based on Plaintiff’s failure to prosecute, the Court of Appeals for the Ninth Circuit dismissed Plaintiff’s interlocutory appeal, and stated that such order would serve as the court’s mandate, 21 days from the date of such order. (ECF No. 39.) Thus, the Mandate was effective September 15, 2020.

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

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

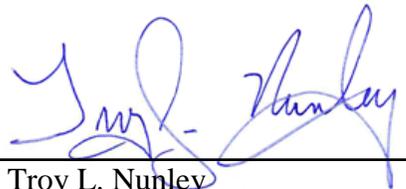
5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The Findings and Recommendations filed September 2, 2020 (ECF No. 40), are  
7 adopted in full;
- 8 2. This action is DISMISSED without prejudice; and
- 9 3. The Clerk of the Court is directed to close this case.

10 IT IS SO ORDERED.

11 DATED: October 21, 2020

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Troy L. Nunley  
United States District Judge