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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL ARZAGA,  
Plaintiff,  
v.  
E. SANTIAGO, et al.,  
Defendants.

No. 2:18-cv-0313 KJM KJN P

ORDER

Plaintiff, a state prisoner proceeding pro se, 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. Two sets of findings and recommendations are presently pending.

April 14, 2022 Findings and Recommendations

On April 14, 2022, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff filed objections to the findings and recommendations.<sup>1</sup>

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<sup>1</sup> Plaintiff objects that he addressed defendant Santiago and other defendants in his opposition to the motion for judgment on the pleadings. (ECF No. 125 at 1-2.) However, the April 14, 2022 findings and recommendations addressed the order to show cause why defendant Santiago should not be dismissed from the action based on multiple failed attempts to serve Santiago. (ECF No.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
2 court has conducted a *de novo* review of this case. Having reviewed the file, the court finds the  
3 findings and recommendations to be supported by the record and by the proper analysis.  
4 Defendant Santiago is dismissed from this action without prejudice. *See* Fed. R. Civ. P. 41(b).

5 April 28, 2022 Findings and Recommendations

6 On April 28, 2022, the magistrate judge filed findings and recommendations, which were  
7 served on all parties and which contained notice to all parties that any objections to the findings  
8 and recommendations were to be filed within fourteen days. Plaintiff filed objections to the  
9 findings and recommendations. Defendants Gisler and Pak filed a response.

10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
11 court has conducted a *de novo* review of this case. Having reviewed the file, the court finds the  
12 findings and recommendations to be supported by the record and by the proper analysis. Because  
13 this action is barred by the doctrine of res judicata, the motion for judgment on the pleadings filed  
14 by defendants Gisler and Pak is granted, and this action is dismissed with prejudice.<sup>2</sup>

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. The findings and recommendations filed April 14, 2022 (ECF No. 119) are adopted in  
17 full;
- 18 2. Defendant Santiago is dismissed from this action without prejudice. *See* Fed. R. Civ.  
19 P. 41(b);
- 20 3. The findings and recommendations filed April 28, 2022 (ECF No. 120) are adopted in  
21 full;

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25 110.) As addressed by the footnote in the April 14, 2022 findings and recommendations (ECF  
26 No. 119 at 1 n.1), plaintiff's motion for extension of time (ECF No. 112) sought an extension of  
27 time to oppose the motion for judgment on the pleadings filed by defendants Gisler and Pak, and  
28 did not address defendant Santiago or the January 19, 2022 order to show cause. Plaintiff did not  
file a response to the order to show cause.

<sup>2</sup> Defendants Haluik and Victoriano were dismissed from this action on December 16, 2021.  
(ECF No. 106.)

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4. Defendants' motion for judgment on the pleadings (ECF No. 108) is granted; and

5. This action is dismissed with prejudice as barred by res judicata.

DATED: September 20, 2022.

  
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CHIEF UNITED STATES DISTRICT JUDGE