1		
2		
3		
4		
5		
6		
7		
8		
9	IN THE UNITED STATES DISTRICT COURT	
10	FOR THE EASTERN DISTRICT OF CALIFORNIA	
11		
12	LAWRENCE E. GOMES,	No. 2:19-CV-1499-KJM-DMC-P
13	Plaintiff,	
14	V.	<u>ORDER</u>
15	MARIANA LOTASZTAIN, et al.,	
16	Defendants.	
17		
18	Plaintiff, a former prisoner proceeding pro se, brought this civil rights action under	
19	42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by	
20	Eastern District of California local rules. Defendants filed a suggestion of plaintiff's death on	
21	August 5, 2021, ECF No. 69, and since that time no one has substituted into the case on his	
22	behalf.	
23	On November 30, 2021, the Magistrate Judge filed findings and recommendations,	
24	which were served on the parties and which contained notice that the parties may file objections	
25	within the time specified therein. No objections to the findings and recommendations have been	
26	filed.	
27	The court presumes that any findings of fact are correct. See Orand v. United	
28	States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are	
		1

1	reviewed de novo. See Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations	
2	of law by the magistrate judge are reviewed de novo by both the district court and [the appellate]	
3	court "). Having reviewed the file, the court finds the findings and recommendations to be	
4	supported by the record and by the proper analysis.	
5	Accordingly, IT IS HEREBY ORDERED that:	
6	1. The findings and recommendations filed November 30, 2021, are adopted	
7	in full;	
8	2. This action is dismissed pursuant to Fed. R. Civ. P. 25(a)(1); and	
9	3. The Clerk of the Court is directed to enter judgment and close this file.	
10	DATED: January 7, 2022.	
11	100 $a$ $a$	
12	CHIEF UNITED STATES DISTRICT JUDGE	
13	CHIEF UNITED STATES DISTRICT JODGE	
14	•	
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
	2	