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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE MILES, SR.,
Plaintiff,
v.
DANIEL GARLAND, et al.,
Defendants.

No. 2:19-cv-01881-MCE-CKD

ORDER

Plaintiff, a former 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 November 16, 2021, the magistrate judge filed findings and recommendations herein 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. Defendants have filed objections to the findings and recommendations. In their objections, defendants alternatively request that this action be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure based on plaintiff's failure to prosecute.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court rejects the findings and recommendations and will dismiss this action based on plaintiff's

1 failure to prosecute it. See Fed. R. Civ. P. 41(b).

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed November 16, 2021, are REJECTED.

4 2. This action is DISMISSED pursuant to Rule 41(b) of the Federal Rules of Civil
5 Procedure.

6 3. Defendants' motion to revoke plaintiff's in forma pauperis status (ECF No. 61) is
7 DENIED as moot.

8 IT IS SO ORDERED.

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10 Dated: December 8, 2021

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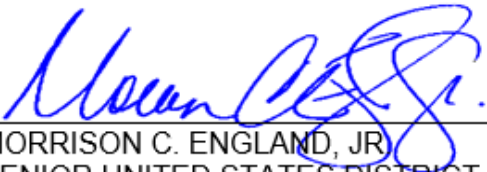
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MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE