1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 FREDERICK E. LEONARD, No. 2:19-cv-02594-TLN-AC 12 Plaintiff. 13 **ORDER** v. 14 ZUNIGA, et al., 15 Defendants. 16 17 Plaintiff Frederick E. Leonard ("Plaintiff"), a former state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a 18 19 United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On April 1, 2024, the magistrate judge filed findings and recommendations herein which 21 were served on all parties and which contained notice to plaintiff that any objections to the 22 findings and recommendations were to be filed within fourteen days. (ECF No. 55.) Plaintiff has 23 not filed objections to the findings and recommendations. 24 The Court presumes that any findings of fact are correct. See Orand v. United States, 602 25 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*. 26 See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). 27 The Court has reviewed the file and finds the findings and recommendations to be 28 supported by the record and by the magistrate judge's analysis. 1

Accordingly, IT IS HEREBY ORDERED as follows: 1. The Findings and Recommendations (ECF No. 55) are ADOPTED IN FULL; 2. This action is DISMISSED without prejudice for failure to prosecute. See Local Rule 183(b); and 3. Defendants' Motion to Dismiss (ECF No. 43) is DENIED as moot. IT IS SO ORDERED. Date: September 24, 2024 Troy L. Nunley United States District Judge