	Case 2:21-cv-00378-DAD-JDP Docume	ent 10 Filed 11/28/22 Page 1 of 2
1		
2		
3		
4		
5		
6		
7		
8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
10		
11	KEVIN LEE MCCULLOM,	No. 2:21-cv-00378-DAD-JDP (PC)
12	Plaintiff,	
13	V.	ORDER ADOPTING FINDINGS AND
14	PATRICK WITHROW, et al.,	RECOMMENDATIONS AND DISMISSING ACTION DUE TO PLAINTIFF'S FAILURE
15	Defendants.	TO STATE A CLAIM, FAILURE TO PROSECUTE, AND FAILURE TO OBEY
16		COURT ORDERS
17		(Doc. No. 9)
18	Plaintiff Kevin Lee McCullom is a county jail inmate proceeding pro se in this civil rights	
19	action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States	
20	Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.	
21	On September 15, 2022, the assigned magistrate judge issued findings and	
22	recommendations recommending that this action be dismissed, without prejudice, due to	
23	plaintiff's failure to prosecute, failure to obey court orders, and failure to state a cognizable claim.	
24	(Doc. No. 9.) In particular, on July 12, 2022, the court screened plaintiff's complaint and	
25	determined that plaintiff had failed to state a cognizable claim for relief, and the court directed	
26	plaintiff to file an amended complaint and a motion to proceed in forma pauperis. (Doc. No. 7 at	
27	/////	
28	/////	
		1

Case 2:21-cv-00378-DAD-JDP Document 10 Filed 11/28/22 Page 2 of 2

3.) ¹ Plaintiff did not file an amended complaint or a motion to proceed <i>in forma pauperis</i> .	
Accordingly, on August 22, 2022, the court issued an order to plaintiff to show cause why this	
case should not be dismissed due to his failure to prosecute and failure to state a cognizable claim	
for relief. (Doc. No. 8.) Plaintiff did not respond to that order to show cause, and the service	
copy of that order was also returned to the court marked as "Undeliverable, Not in Custody." The	
pending findings and recommendations were served on plaintiff at his address of record and	
contained notice that any objections thereto were to be filed within fourteen (14) days after	
service. (Doc. No. 9 at 2.) To date, no objections to the findings and recommendations have	
been filed, and the time in which to do so has now passed. ²	
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a	
de novo review of the case. Having carefully reviewed the entire file, the court concludes that the	
findings and recommendations are supported by the record and by proper analysis.	
Accordingly:	
1. The findings and recommendations issued on September 15, 2022 (Doc. No. 9) are	
adopted in full;	
2. This action is dismissed, without prejudice, due to plaintiff's failure to prosecute	
this action, failure to obey court orders, and failure to state a cognizable claim for	
relief; and	
3. The Clerk of the Court is directed to close this case.	
IT IS SO ORDERED.	
Dated: November 23, 2022 Dale A. Drosd	
UNITED STATES DISTRICT JUDGE	
¹ The service copy of the court's screening order was mailed to plaintiff at his address of record and was also returned to the court marked as "Undeliverable. Not in Custody." Thus, plaintiff	
and was also returned to the court marked as "Undeliverable, Not in Custody." Thus, plaintiff was required to file a notice of his change of address with the court no later than October 11,	
2022. To date, plaintiff has not filed a notice of his change of address or otherwise communicated with the court.	
2 The service copy of the findings and recommendations, which was mailed to plaintiff at his	
address of record, was also returned to the court marked as "Undeliverable."	
2	