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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELIJAH LEE MILLER,  
  
                                Plaintiff,  
  
                                v.  
  
SAM HOLLISON, et al.,  
  
                                Defendants.

No. 2:21-cv-01700 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.

On October 2, 2023, 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. Neither party filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . .”). Having reviewed the file, the court finds the findings and recommendations to be

1 supported by the record and by the proper analysis. The court finds the magistrate judge's  
2 findings and recommendations are further supported by the following developments in this case:  
3 1) plaintiff filed of a notice of change of address in a separate case, *see* Notice, *Miller v. Lynch*,  
4 No. 23-02145 (E.D. Cal. Oct. 2, 2023), ECF No. 6, but not in this case; and 2) despite the  
5 findings and recommendations and the magistrate judge's prior order having been re-served to  
6 plaintiff at the updated address, as listed in Case No. 23-2145, plaintiff has not responded.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations filed October 02, 2023, are adopted in full;
- 9 2. This action is dismissed without prejudice. *See* Local Rule 110; Fed. R. Civ. P. 41(b);

10 and

- 11 3. The Clerk of Court is directed to close this case.

12 DATED: December 28, 2023.

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16 CHIEF UNITED STATES DISTRICT JUDGE  
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