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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN CRISTOBAL CALDERON,
Plaintiff,
v.
C. VUE, et al.,
Defendants.

No. 2:22-cv-00124-DAD-CKD

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 36)

Plaintiff Juan Cristobal Calderon is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 3, 2023, defense counsel filed a notice of death of defendant R. Freitas. (Doc. No. 31.) No motion for the substitution of a proper party pursuant to Federal Rule of Civil Procedure 25 was filed.

Consequently, on August 15, 2023, the assigned magistrate judge issued findings and recommendations recommending that defendant R. Freitas be dismissed from this action. (Doc. No. 36.) Those pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 1–2.) To date, no objections to the pending findings and recommendations have been filed, and the time in which to do so has now passed.

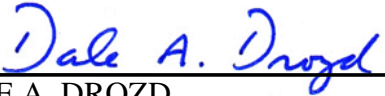
1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
3 findings and recommendations are supported by the record and by proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on August 15, 2023 (Doc. No. 36) are
6 adopted in full;
- 7 2. Defendant R. Freitas is dismissed from this action;
- 8 3. The Clerk of the Court is directed to update the docket to reflect that defendant R.
9 Freitas has been terminated as a named defendant in this action; and
- 10 4. This action is referred back to the assigned magistrate judge for further
11 proceedings.

12 IT IS SO ORDERED.

13 Dated: October 18, 2023

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16 DALE A. DROZD
17 UNITED STATES DISTRICT JUDGE
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