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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDREW DECKER,

Plaintiff,

v.

SHANNAH JONHSON, et al.,

Defendants.

No. 2:22-cv-0258-DAD-DMC (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION DUE TO PLAINTIFF'S FAILURE
TO PROSECUTE AND FAILURE TO
COMPLY WITH COURT ORDERS

(Doc. No. 11)

Plaintiff Andrew Decker is a legal assistance professional residing in Redding, CA 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 September 15, 2023, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to prosecute this action and failure to comply with court orders. (Doc. No. 11.) In particular, on October 18, 2022, the court screened plaintiff's complaint, determined that plaintiff had failed to state a cognizable claim for relief as to all but two of the defendants, and directed plaintiff to file an amended complaint within thirty days. (Doc. No. 6.) That order was served on plaintiff at his address of record. (*Id.*) Plaintiff did not comply with, or otherwise

1 respond to, the court's October 18, 2022 order. As such, on July 31, 2023, the court issued
2 findings and recommendations that this action proceed on plaintiff's original complaint as to two
3 defendants only. (Doc. No. 7.) On the same day, the court also issued an order requiring plaintiff
4 to submit summons documents to the United States Marshal within 15 days and file a notice that
5 the documents have been submitted within 20 days. (Doc. No. 8.) Also on July 31, 2023, the
6 court issued an order directing the parties to file the form consenting to magistrate judge
7 jurisdiction over this action or withholding such consent within 30 days. (Doc. Nos. 10, 10-1.)
8 All of these documents were served on plaintiff at his address of record. (Doc. Nos. 7, 10.)
9 Plaintiff did not reply to the court's orders. Because plaintiff had not complied with the court's
10 orders or otherwise communicated with the court, the magistrate judge concluded on September
11 15, 2023 that plaintiff had failed to prosecute this action. (Doc. No. 11.) The pending findings
12 and recommendations were also served on plaintiff by mail at his address of record and contained
13 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at
14 2.) To date, no objections to the findings and recommendations have been filed, and the time in
15 which to do so has now passed.

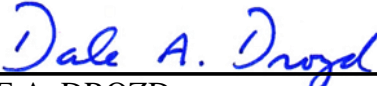
16 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
17 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
18 findings and recommendations are supported by the record and by proper analysis.

19 Accordingly:

- 20 1. The findings and recommendations issued on September 15, 2023 (Doc. No. 11)
21 are adopted in full;
- 22 2. This action is dismissed, without prejudice, due to plaintiff's failure to prosecute
23 this action and failure to comply with court orders; and
- 24 3. The Clerk of the Court is directed to close this case.

25 IT IS SO ORDERED.

26 Dated: December 19, 2023

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DALE A. DROZD
UNITED STATES DISTRICT JUDGE