1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 OLEKSANDR KASIANOV, No. 2:22-cv-01142-DAD-DMC (PC) 12 Plaintiff. 13 v. ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DIDMISSING 14 MARTIN GAMBOA, et al., CTION DUE TO PLAINTIFF'S FAILURE TO PROSECUTE AND FAILURE TO 15 Defendants. COMPLY WITH A COURT ORDER 16 (Doc. No. 24) 17 18 Plaintiff Oleksandr Kasianov is a former state prisoner proceeding pro se and in forma 19 pauperis in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred 20 to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 21 On December 19, 2023, the assigned magistrate judge issued findings and 22 recommendations recommending this action be dismissed, without prejudice, due to plaintiff's failure to prosecute this action and failure to comply with a court order. (Doc. No. 24.) 23 24 Specifically, on August 15, 2023, the magistrate judge dismissed plaintiff's first amended complaint and directed him to file a second amended complaint within thirty (30) days of the 25 26 entry of that order. (Doc. No. 16.) On September 15, 2023 and October 23, 2023, the court 27 granted plaintiff extensions of thirty (30) days to file his second amended complaint. (Doc. Nos. 28 19, 23.) Plaintiff has not filed a second amended complaint to proceed with this action and the 1

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deadline in which to do so has passed. In addition, the findings and recommendations were served upon plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (Doc. No. 24 at 2.) To date, plaintiff has also not filed any objections and the time in which to do so has passed.

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

## Accordingly,

- 1. The findings and recommendations issued on December 19, 2023 (Doc. No. 24) are adopted in full;
- 2. This action is dismissed, without prejudice; and
- 3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: **November 25, 2024** 

DALE A. DROZD

UNITED STATES DISTRICT JUDGE