

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD D. CASITY,  
Plaintiff,  
v.  
TODD RIEBE, et al.,  
Defendants.

No. 2:22-cv-02181-DAD-JDP (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
ACTION DUE TO PLAINTIFF’S FAILURE  
TO PROSECUTE AND FAILURE TO OBEY  
A COURT ORDER

(Doc. No. 18)

Plaintiff Richard D. Casity 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 August 8, 2023, the assigned magistrate judge issued findings and recommendations recommending this action be dismissed, without prejudice, due to plaintiff’s failure to obey a court order and failure to prosecute this action. (Doc. No. 18.) In particular, on May 4, 2023, the court screened plaintiff’s first amended complaint, determined that plaintiff had failed to state a cognizable claim for relief, and directed plaintiff to file an amended complaint. (Doc. No. 14.) Plaintiff did not respond. Accordingly, on July 5, 2023, the court ordered him to show cause within twenty-one (21) days why this action should not be dismissed and warned him that failure to comply with that order would result in a recommendation that this action be dismissed. (Doc.

1 No. 15 at 1–2.) To date, plaintiff has not filed an amended complaint or otherwise communicated  
2 with the court. Accordingly, the pending findings and recommendations were served on plaintiff  
3 and contained notice that any objections thereto were to be filed within fourteen (14) days after  
4 service. (Doc. No. 18 at 2.) To date, no objections to the findings and recommendations have  
5 been filed, and the time in which to do so has now passed.

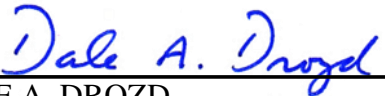
6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
7 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
8 findings and recommendations are supported by the record and by proper analysis.

9 Accordingly:

- 10 1. The findings and recommendations issued on August 8, 2023 (Doc. No. 18) are  
11 adopted in full;
- 12 2. This action is dismissed, without prejudice, due to plaintiff’s failure to prosecute  
13 this action and failure to obey a court order; and
- 14 3. The Clerk of the Court is directed to close this case.

15 IT IS SO ORDERED.

16 Dated: November 30, 2023

17   
18 \_\_\_\_\_  
19 DALE A. DROZD  
20 UNITED STATES DISTRICT JUDGE  
21  
22  
23  
24  
25  
26  
27  
28