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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEAN MARC VAN DEN HEUVEL,
Plaintiff,
v.
TRACY BARBOUR,
Defendants.

Case No. 2:23-cv-00021-DAD-JDP (PS)
FINDINGS AND RECOMMENDATIONS
THAT PLAINTIFF’S COMPLAINT BE
DISMISSED FOR FAILURE TO
PROSECUTE, COMPLY WITH COURT
ORDERS, AND STATE A CLAIM
ECF No. 4
OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On December 5, 2023, I screened plaintiff’s complaint and notified him that it failed state a claim. ECF No. 8. I granted plaintiff thirty days either to file an amended complaint or an advisement indicating that he wished to stand by his complaint, subject to a recommendation that it be dismissed. *Id.* I also warned plaintiff that failure to comply with that order would result in a recommendation that this action be dismissed. *Id.* Plaintiff has failed to respond to that order. The deadline has passed, and plaintiff has not filed an amended complaint or otherwise responded to the December 5, 2023 order.

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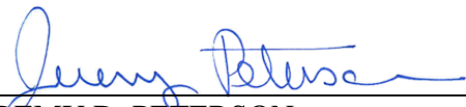
Accordingly, it is hereby RECOMMENDED that:

1. This action be dismissed without prejudice for failure to prosecute, failure to comply with court orders, and failure to state a claim for the reasons set forth in the December 5, 2023 order.
2. The Clerk of Court be directed to close the case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be served and filed within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: February 7, 2024



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE