1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 JAMES CARL KELLY, No. 2:23-cv-02581-TLN-DMC-P 12 Plaintiff. 13 **ORDER** v. 14 GAVIN NEWSOM, et al., 15 Defendants. 16 17 Plaintiff James Carl Kelly ("Plaintiff"), a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate 18 19 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On July 2, 2024, the magistrate judge filed findings and recommendations herein which 21 were served on the parties, and which contained notice that the parties may file objections within 22 the time specified therein. (ECF No. 11.) Plaintiff filed a timely objection on August 16, 2024. (ECF No. 12.) 23 24 The Court presumes that any findings of fact are correct. See Orand v. United States, 602 25 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*. 26 See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). 27 The Court has reviewed the file and finds the findings and recommendations to be 28 supported by the record and by the magistrate judge's analysis. 1

## Accordingly, IT IS HEREBY ORDERED as follows: 1. The Findings and Recommendations filed July 2, 2024 (ECF No. 11), are ADOPTED IN FULL; 2. This action is DISMISSED without prejudice for lack of prosecution and failure to comply with court rules and orders; Plaintiff's Motion for Injunctive Relief (ECF No. 4) is DENIED as moot; 3. and 4. The Clerk of the Court is directed to enter judgment and close this file. IT IS SO ORDERED. Date: September 24, 2024 Troy L. Nunley United States District Judge