

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Littleton v. Montiez

Littleton · No. 2:22-cv-0700 KJM KJN P · Decided March 6, 2023

SUMMARY

The United States District Court for the Eastern District of California adopts the magistrate judge's findings and recommendations in a prisoner civil rights action under 42 U.S.C. § 1983. Because the plaintiff did not object, the court dismisses the action without prejudice under Federal Rule of Civil Procedure 41(b).

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 MICHAEL LITTLETON, No. 2:22-cv-0700 KJM KJN P 12 Plaintiff, 13 v.
ORDER 14 MARK MONTIEZ, et al., 15 Defendants. 16 17 Plaintiff, a state prisoner proceeding
pro se, filed this civil rights action seeking relief 18 under 42 U.S.C. § 1983.

The matter was referred to a United States Magistrate Judge as provided 19 by 28 U.S.C. § 636(b)
(1)(B) and Local Rule 302. 20 On December 1, 2022, the magistrate judge filed findings and
recommendations, which 21 were served on plaintiff and which contained notice to plaintiff that
any objections to the findings 22 and recommendations were to be filed within fourteen days.

On January 17, 2023, plaintiff was 23 reserved with the findings and recommendations at his
updated address. Plaintiff has not filed 24 objections to the findings and recommendations. 25 The
court presumes that any findings of fact are correct. See *Orand v. United States*, 26 602 F.2d 207,
208 (9th Cir. 1979).

The magistrate judge's conclusions of law are reviewed 27 de novo. See *Robbins v. Carey*, 481
F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law 28 by the magistrate judge are reviewed
de novo by both the district court and [the appellate] court 1 [...]”).

Having reviewed the file, the court finds the findings and recommendations to be 2 || supported by
the record and by the proper analysis. 3 Accordingly, IT IS HEREBY ORDERED that: 4 1. The
findings and recommendations filed December 01, 2022, are adopted in full; and 5 2. This action
is dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

6 | DATED: March 6, 2023. 9 CHIEF ED STATES DISTRICT JUDGE 10 1] 12 13 14 15 16 17
18 19 20 21 22 23 24 25 26 27 28

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