

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Papazian v. Doerer

Papazian · No. 1:24-cv-01182 JLT HBK · Decided August 18, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 JAMES MICHAEL PAPAZIAN, Case No.: 1:24-cv-01182 JLT HBK 12
Plaintiff, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING THE
13 v. ACTION WITHOUT PREJUDICE, AND DIRECTING THE CLERK OF COURT TO 14 J.
DOERER, CLOSE THE CASE 15 Defendant. (Doc. 26) 16 17 James Michael Papazian seeks to
hold the defendants liable for violations of his civil 18 rights while incarcerated at United States
Penitentiary- Atwater, stating claims related to a 19 lockdown that occurred at the facility in the
fall of 2024.1 The assigned magistrate judge found 20 Plaintiff failed to obey the Court's order
and failed to prosecute the action.

(Doc. 26 at 1-3.) The 21 magistrate judge found dismissal of the action without prejudice was
appropriate, after 22 considering the factors identified by the Ninth Circuit in Henderson v.
Duncan, 779 F.2d 1421, 23 1424 (9th Cir. 1986). (Id. at 4-5.) 24 The Court served these Findings
and Recommendations on Plaintiff and notified him at 25 that any objections were due within 14
days.

(Doc. 26 at 5.) The Court advised him that the 26 “[f]ailure to file any objections within the
specified time may result in the waiver of his rights on 27 1 On October 3, 2024, the Court
severed Plaintiff's claims from Benanti v. Doerer, Case No. 1:24-cv-01108- CDB (PC). (Doc. 2.) 1
| appeal.” (dd. at 6, citing Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir.

2014).) Plaintiff 2 | did not file objections, and the time to do so expired. 3 According to 28 U.S.C.
§ 636(b)(1), this Court performed a de novo review of this case. 4 | Having carefully reviewed the
matter, the Court concludes the Findings and Recommendations 5 | are supported by the record
and proper analysis.

Thus, the Court ORDERS: 6 1. The Findings and Recommendations issued on July 25, 2025
(Doc. 26) are 7 ADOPTED in full. 8 2. This action is DISMISSED without prejudice for Plaintiffs
failure to obey the 9 Court's orders and failure to prosecute. 10 3.

The Clerk of Court is directed to close this case. 11 b IT IS SO ORDERED. 13 | Dated: _August
16, 2025 Cerin | Tower TED STATES DISTRICT JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26
27 28

