

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

Bobby Lee Collins v. D. Smith

Collins v. Smith · No. 2:24-cv-01229-TLN-SCR · Decided October 27, 2025

SUMMARY

The United States District Court for the Eastern District of California adopts the magistrate judge's findings and recommendations after Plaintiff Bobby Lee Collins filed no objections. The court dismisses the § 1983 action without prejudice for failure to prosecute and failure to comply with a court order.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 BOBBY LEE COLLINS, 12 Plaintiff, No. 2:24-cv-01229-TLN-SCR 13 v.
14 D. SMITH, et al., ORDER 15 Defendants. 16 17 Plaintiff Bobby Lee Collins ("Plaintiff"), a
state prisoner proceeding pro se, filed this civil 18 rights action seeking relief under 42 U.S.C. §
1983.

The matter was referred to a United States 19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)
(B) and Local Rule 302. 20 On August 22, 2025, the magistrate judge filed findings and
recommendations which were 21 served on Plaintiff and which contained notice that any
objections to the findings and 22 recommendations were to be filed within twenty-one (21) days.

(ECF No. 13.) This deadline has 23 passed, and no objections have been filed. 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 *Robbins*
v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the 27 magistrate
judge are reviewed de novo by both the district court and [the appellate] court[.]").

28 Having reviewed the file, the Court finds the findings and recommendations to be supported by
1 the record and by the proper analysis. 2 Accordingly, IT IS HEREBY ORDERED that: 3 1. The
findings and recommendations, (ECF No. 13), are ADOPTED in full; and 4 2.

The action is DISMISSED without prejudice for failure to prosecute, Fed. R. Civ. P. 5 41(b), and
failure to comply with a court order, Local Rule 110. 6 Date: October 24, 2025 7 8 9 10 11 12 13
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