

**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

OPINION

Bobby Lee Collins v. D. Smith, et al.

PER CURIAM.

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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 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28