

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Scott v. Brown

Scott · No. 2:23-cv-2749-TLN-SCR-P · Decided April 8, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations after the plaintiff failed to file objections or an amended complaint. The court dismissed the § 1983 action without prejudice for lack of prosecution and failure to comply with a court order, and directed the Clerk to close the case.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 GEORGE SCOTT, No. 2:23-cv-2749-TLN-SCR-P 12 Plaintiff, 13 v.
ORDER 14 E. BROWN, et al., 15 Defendants. 16 17 Plaintiff George Scott (“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 December 13, 2024, the magistrate judge filed findings and
recommendations which 21 were 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). Instead of filing 23 objections, Plaintiff filed a motion for an extension of time to
file a first amended complaint. 24 (ECF No. 14). On January 6, 2025, the magistrate judge granted
plaintiff sixty days in which to 25 file a first amended complaint. (ECF No. 15). Plaintiff was
advised that the findings and 26 recommendations issued on December 13, 2024, would not be
vacated unless Plaintiff complied 27 with the order and filed an amended complaint within the
time provided.

(Id.) More than sixty 28 days have passed, and Plaintiff has not filed an amended complaint. Nor
has Plaintiff filed 1 | objections to the findings and recommendations. 2 The Court presumes that
any findings of fact are correct. See *Orand v. United States*, 602 3 | F.2d 207, 208 (9th Cir. 1979).

The magistrate judge’s conclusions of law are reviewed de novo. 4 | See *Robbins v. Carey*, 481
F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the 5 | magistrate judge are reviewed
de novo by both the district court and [the appellate] court[.]”). 6 | Having reviewed the file, the
Court finds the findings and recommendations to be supported by 7 | the record and by the proper
analysis.

8 Accordingly, IT IS HEREBY ORDERED that: 9 1. The findings and recommendations, (ECF
No. 13), are ADOPTED in full; and 10 2. This action is DISMISSED, without prejudice, for lack
of prosecution and for failure 11 to comply with the Court's order. See Fed. R. Civ. P. 41(b); Local
Rule 110; see also 12 *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (citation
omitted); and 13 3.

The Clerk of Court is directed to CLOSE this action. 14 5 DATED: April 7, 2025 / | / 16 7, 17
TROY L. NUNLEY ig CHIEF UNITED STATES DISTRICT JUDGE 19 20 21 22 23 24 25 26 27
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