UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

NORBERT MAURICE PAYTON, Plaintiff, v. MONTGOMERY, Defendant.	No. 2:22-cv-1177 DJC AC P ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 21, 2025, the Magistrate Judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. ECF No. 45. Neither party filed objections to the findings and recommendations.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the Magistrate Judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (ECF No. 45) are adopted in full;

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2. This action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b);

3. Defendant's motion to dismiss (ECF No. 36) is denied as moot; and

4. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: **January 15, 2026**

Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

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