UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ARVELLO L. TUFONO, Plaintiff, v. AMANDEEP DHILLION, et al., Defendants.	No. 2:23-cv-02691 DAD-SCR ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING THIS CASE WITHOUT PREJUDICE, AND DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AS MOOT (Doc. Nos. 26, 31)

Plaintiff, a state prisoner proceeding *pro se* and *in forma pauperis*, 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 February 27, 2025, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed without prejudice due to plaintiff's failure to prosecute and that defendants' motion for summary judgment (Doc. No. 26) be denied as moot. (Doc. No. 31) Specifically, the magistrate judge concluded that plaintiff had failed to respond to court orders and failed to inform the court of his current address as required by Local Rule 183(b). (*Id.* at 1.)

The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at

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2.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis. In particular, the court notes that plaintiff failed to respond to the magistrate judge's October 15, 2024 order in any way. Thereafter, on November 25, 2024, the magistrate judge issued an order requiring plaintiff to respond to that order. (Doc. No. 30.) Again, plaintiff did not do so. Moreover, the November 25, 2024 order was returned to the court by the U.S. Postal Service marked as undeliverable, "not in custody." The pending findings and recommendation issued February 27, 2025, were served by mail on plaintiff at his same address of record but, as of yet, have not been returned to the court as undeliverable. Nonetheless, as noted above, plaintiff has filed no objections.

Accordingly:

1. The findings and recommendations issued on February 27, 2025 (Doc. No. 31) are adopted in full;

2. This action is dismissed without prejudice due to plaintiff's failure to prosecute this action. *See* Local Rule 183(b);

3. Defendants' motion for summary judgment (Doc. No. 26) is denied as having been rendered moot by this order; and

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

IT IS SO ORDERED.

Dated: **March 24, 2025**

Dale A. Drozd

DALE A. DROZD
UNITED STATES DISTRICT JUDGE