



(PC) Carthen v. Scott et al

2024 | Cited 0 times | E.D. California | April 4, 2024

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

TREMANE DARNELL CARTHEN,

Plaintiff, v. P. SCOTT, et al.,

Defendants.

No. 1:19-cv-00227-DAD-EPG (PC)

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, GRANTING AND DISMISSING THIS ACTION

(Doc. Nos. 54, 82) Plaintiff Tremane Darnell Carthen is a federal prisoner proceeding pro se and in forma pauperis in this civil rights action under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971). This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636 (b)(1)(B) and Local Rule 302.

On January 30, 2023, 1

the assigned magistrate judge issued findings and recommendations

claim under *Bivens*. (Doc. No. 82.) The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within twenty-one (21) days after service. (Id.)

1 This action was reassigned to the undersigned on April 3, 2024. (Doc. No. 89.)

On February 15, 2023, plaintiff filed objections to the pending findings and recommendations. (Doc. No. 83.) However, in those 12 pages of objections, plaintiff merely recites portions of the findings and recommendations and restates the arguments that he had advanced in his opposition to and that the magistrate judge already thoroughly addressed in the pending findings and recommendations. (Id.) Despite advancing these purported objections, plaintiff also requested an extension of time in which to file objections to the pending findings and recommendations, which the magistrate judge granted on February 16, 2023. (Doc. No. 84.)



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Thereafter, on April 11, 2023, plaintiff again requested an extension of time in which to file objections to the pending findings and recommendations. (Doc. No. 85.) In an order issued in which to file objections. 2

(Doc. No. 86.) Nevertheless, no further objections to the findings and recommendations have been filed, and the time in which to do so as extended has now passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, the court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and proper analysis.

Accordingly: 1. The findings and recommendations issued on January 30, 2023 (Doc. No. 82) are adopted in full; 2. Defendants motion to dismiss (Doc. No. 54) is granted; ///// /////

2 which was mailed to plaintiff at his Undeliverable Thus, plaintiff was required to file a notice of his change of address with the court no later than July 3, 2023. To date, plaintiff has not filed a notice of his change of address or otherwise communicated with the court.

3. This action is dismissed; and 4. The Clerk of the Court is directed to close this case. IT IS SO ORDERED. Dated: April 3, 2024

DALE A. DROZD UNITED STATES DISTRICT JUDGE

