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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KELLY M. MARSH,

Plaintiff,

No. CIV S-10-0330 LKK DAD PS

vs.

OLIVE GARDEN,

Defendant.

FINDINGS AND RECOMMENDATIONS

_____/

By order to show cause filed and served on June 3, 2010, plaintiff was granted seven days to show good cause in writing why this case should not be dismissed for lack of prosecution. Plaintiff was cautioned that failure to respond to the order in a timely manner will result in a recommendation that this action be dismissed with prejudice for lack of prosecution and for failure to comply with court orders. More than two weeks have passed, and plaintiff has not filed a statement advising the court that she has submitted all necessary documents to the United States Marshal for service of process, has not filed a notice of voluntary dismissal of this action without prejudice, and has not responded to the court's order in any other manner.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed with prejudice for failure to prosecute this action and failure to comply with court orders. See Fed. R. Civ. P. 41(b); Local Rule 110.

1 These findings and recommendations will be submitted to the United States
2 District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within
3 twenty-one days after being served with these findings and recommendations, plaintiff may file
4 written objections with the court. A document containing objections should be titled “Objections
5 to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file
6 objections within the specified time may waive the right to appeal the District Court’s order. See
7 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

8 DATED: June 22, 2010.

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12 DALE A. DROZD
13 UNITED STATES MAGISTRATE JUDGE

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