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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAJ SINGH,
Plaintiff,
v.
CITY OF SACRAMENTO, et al.,
Defendants.

No. 2:15-cv-0997 MCE AC (PS)

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding in this action in pro per, and in forma pauperis (“IFP”) pursuant to 28 U.S.C. § 1915. This proceeding was referred to the undersigned by E.D. Cal. R. 302(c)(21).

I. BACKGROUND

Plaintiff filed his complaint and application to proceed in forma pauperis on May 7, 2015. ECF Nos. 1, 2. On May 13, 2015, the court granted plaintiff IFP status, and ordered him to file, within 15 days, a statement that he had submitted the required service documents to the U.S. Marshall. ECF No. 3. Plaintiff did not file the required statement, and according to the docket, took no other action for five months.

On October 16, 2015, the court issued an Order To Show Cause (“OSC”) why this action should not be dismissed for lack of prosecution. ECF No. 7. Plaintiff timely responded to the OSC. ECF No. 8. Accordingly, on October 28, 2015, the court discharged the OSC, but cautioned plaintiff that he must file the required statement within 15 days (after providing the

1 required service documents to the U.S. Marshal), or the undersigned would recommend dismissal
2 for lack of prosecution.

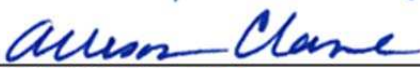
3 Despite the court's order, plaintiff has again failed to file the required statement indicating
4 that he has provided the service documents to the U.S. Marshal, and the time for doing so has
5 expired. The undersigned will therefore recommend dismissal of this action for lack of
6 prosecution.

7 II. RECOMMENDATION

8 For the reasons stated above, IT IS RECOMMENDED that this action be dismissed,
9 without prejudice, for lack of prosecution, and for failure to comply with the court's
10 October 28, 2015 order. See Fed. R. Civ. P. 41(b) (dismissal for failure to prosecute); E.D. Cal.
11 R. 110 (sanctions for noncompliance with court order).

12 These findings and recommendations are submitted to the United States District Judge
13 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21)
14 days after being served with these findings and recommendations, plaintiff may file written
15 objections with the court. Such document should be captioned "Objections to Magistrate Judge's
16 Findings and Recommendations." Local Rule 304(d). Plaintiff is advised that failure to file
17 objections within the specified time may waive the right to appeal the District Court's order.
18 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

19 DATED: December 3, 2015

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21 ALLISON CLAIRE
22 UNITED STATES MAGISTRATE JUDGE
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