

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE ANTOLIN,  
Plaintiff,  
v.  
REBEKAH LATHAM, et al.,  
Defendants.

No. 2:15-cv-1730-KJM-EFB PS

FINDINGS AND RECOMMENDATIONS

On August 21, 2015, defendants moved to dismiss this action and noticed their motions for hearing on October 21, 2015. ECF Nos. 5, 6. Plaintiff failed to timely file an opposition to defendants’ motions. Accordingly, on October 19, 2015, the court continued the hearing on the motions to November 18, 2015, directed plaintiff to file an opposition or statement of non-opposition by November 4, 2015, and directed plaintiff to show cause, in writing by November 4, 2015, why sanctions should not be imposed for his failure to file an opposition or statement of non-opposition. ECF No. 15. Plaintiff was also admonished that failure to comply with the court’s order could result in a recommendation that this action be dismissed for lack of prosecution and/or for failure to comply with court orders and the court’s Local Rules. *Id.*

/////  
/////  
/////

1 The deadline has passed and plaintiff has not filed an opposition or statement of non-  
2 opposition to the pending motions, nor has he responded to the court's November 18 order.<sup>1</sup>

3 Accordingly, it is hereby RECOMMENDED that this action be dismissed, and that the  
4 Clerk be directed to close this case. See Fed. R. Civ. P. 41(b); Local Rule 110.

5 These findings and recommendations are submitted to the United States District Judge  
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
7 after being served with these findings and recommendations, plaintiff may file written  
8 objections with the court. Such a document should be captioned "Objections to Magistrate  
9 Judge's Findings and Recommendations." Failure to file objections within the specified time  
10 may waive the right to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455  
11 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

12 Dated: November 13, 2015.

13   
14 EDMUND F. BRENNAN  
15 UNITED STATES MAGISTRATE JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

26 \_\_\_\_\_  
27 <sup>1</sup> Although it appears from the file that plaintiff's copy of the order was returned, plaintiff  
28 was properly served. It is the plaintiff's responsibility to keep the court apprised of his current  
address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of  
the party is fully effective.