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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KOSAL YOUNN,

 Petitioner,

 v.

LORETTA E. LYNCH, et al,

 Respondents.

No. 2:15-cv-1783 AC P

ORDER AND FINDINGS AND
RECOMMENDATIONS

On January 4, 2016, the undersigned issued an order to show cause within thirty days why petitioner’s case should not be dismissed for lack of prosecution.¹ ECF No. 7. Petitioner was warned that his failure to prosecute this action or his failure to comply with the Federal Rules of Civil Procedure, the court’s orders, or the court’s Local Rules would result in a recommendation that his entire action be involuntarily dismissed with prejudice. Id.

More than thirty days have passed and petitioner has not responded to the court’s January 4, 2016 order. Accordingly, dismissal of this action without prejudice is warranted for failure to prosecute. See Local Rule 183(b).

¹ In the order to show cause, the undersigned noted that a recent court order had been served on petitioner’s address of record and returned by the postal service, indicating that petitioner had failed to comply with Local Rule 183(b). ECF No. 7 at 1. The court further observed that an online search for petitioner’s name in the Sacramento County Sheriff’s Department’s inmate locator service returned no search results, indicating that petitioner may no longer be in custody. See id.

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In accordance with the above, IT IS HEREBY ORDERED that:


1. Petitioner’s motion for appointment of counsel (ECF No. 2) is denied as moot;
2. The Clerk of the Court is directed to randomly assign a United States District Judge to this action.

Additionally, for the foregoing reasons, IT IS HEREBY RECOMMENDED that:

This action be dismissed without prejudice for failure to prosecute. See Local Rule 183(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be filed and served within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: February 11, 2016



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE