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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GONZALO R. RUBANG, JR.,  
Plaintiff,  
v.  
UNITED STATES OF AMERICA,  
Defendant.

No. 2:16-cv-00088 GEB AC

FINDINGS AND RECOMMENDATIONS


Plaintiff is proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. (“Local Rule”) 302(c)(21). On June 16, 2016, the court dismissed the complaint (ECF No. 14), and on June 17, 2016, plaintiff was granted 30 days to file an amended complaint (ECF No. 15). Plaintiff was cautioned that failure to timely file and amended complaint would lead to a recommendation that the action be dismissed. Plaintiff has not filed an amended complaint. His only post-dismissal filing was a letter expressing disagreement with the court’s ruling. ECF No. 16.

Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without prejudice, for lack of prosecution and for failure to comply with the court’s order. See Fed. R. Civ. P. 41(b); Local Rule 110.

These findings and recommendations are submitted to the United States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one

1 (21) days after being served with these findings and recommendations, plaintiff may file written  
2 objections with the court. Such document should be captioned "Objections to Magistrate Judge's  
3 Findings and Recommendations." Local Rule 304(d). Plaintiff is advised that failure to file  
4 objections within the specified time may waive the right to appeal the District Court's order.  
5 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: November 28, 2016

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9 ALLISON CLAIRE  
10 UNITED STATES MAGISTRATE JUDGE  
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