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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHALLA ALFARO BRITTANY,
Plaintiff,
v.
ARCHULETTA FAMILY REUNION,
Defendant.

No. 2:16-cv-01468 TLN GGH (PS)

ORDER AND FINDINGS AND
RECOMMENDATION

PROCEDURAL BACKGROUND

Plaintiff filed her complaint in pro se on June 28, 2016 seeking damages from defendant for using her car club identification without permission and seeking damages, ECF No. 1, together with a Motion to Proceed In Forma Pauperis [“IFP”]. ECF No. 2. On August 15, 2016 this court issued an Order denying the IFP Motion without prejudice due to its incompleteness. The court also found the Complaint in its present form to be frivolous pursuant to the holding in O’Loughlin v. Doe, 920 F.2d 614, 617 (9th Cir. 1990), insofar as it failed to meet the requirement of Federal Rule of Civil Procedure 8, and explaining the steps that had to be taken to bring a complaint in conformity with the Rule. ECF No. 4. That Order directed that if plaintiff desired she could file a complete IFP application and amended complaint within 30 days of the Order and

1 that the failure to complete application and or an Amended Complaint that conformed to the
2 instructions found in the Federal Rules would lead to a recommendation that this action be
3 dismissed. Id.

4 Plaintiff has filed neither an amended IFP Application nor an Amended Complaint.

5
6 CONCLUSION

7 No action having been taken in response to the court's Order, this court finds and
8 recommends that this matter be dismissed with prejudice for failure to prosecute and failure to
9 obey the court's order.

10 These findings and recommendations are submitted to the United States District Judge
11 assigned to this case pursuant to the provisions of 28 U.S.C. § 737(b)(1). Within thirty (30) days
12 after service of this Order plaintiff may file written objections. Such a document should be
13 captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is
14 advised that failure to file objections within the specified time may waive her right to appeal the
15 District Court's Order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

17 IT IS ORDERED THAT the Clerk of the Court shall submit a copy of this Order to the
18 District Judge assigned to this case and serve it on plaintiff.

19 Dated: November 16, 2016

20 /s/ Gregory G. Hollows
21 UNITED STATES MAGISTRATE JUDGE