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6	UNITED STATES DISTRICT COURT	
7	DISTRICT OF ARIZONA	
8	Glenn Velardi,	
9	Plaintiff,) CV 07-627 TUC-RCC (JM)
10	v.)) REPORT AND) RECOMMENDATION
11	Michael J. Astrue,) RECOMMENDATION)
12	Defendant.))
13	——————————————————————————————————————))
14	In the Scheduling Order, Plaintiff was ordered to file any desired motions within 30	
15	days of the filing of the answer. Docket No. 8. Plaintiff has failed to do so and has not	
16	requested a time extension. Plaintiff was warned, "[a]bsent any pending dispositive motions,	
17	this case may be dismissed as prescribed in Local Rule LRCiv. 41.1 Rule of Practice." <i>Id.</i>	
18	Local Rule Civil 41.1 allows for the dismissal for want of prosecution an action in which	
19	there have been "no proceedings for six (6) or more months" No action has occurred in	
20	this case in more than six months and the required motions have not been filed.	
21	Based on the foregoing and pursuant to 28 U.S.C. § 636(b) and Rule 72.1 1.17(d)(2),	
22	of the Local Rules - Civil of the United States District Court, District of Arizona, the	
23	Magistrate Judge recommends that the District Court, after an independent review of the	
24	record, issue an order to show cause and, if cause is not established, dismiss this action with	
25	prejudice.	
26	This Recommendation is not an order that is immediately appealable to the Ninth	
27	Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of	

Appellate Procedure, should not be filed until entry of the District Court's judgment.

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However, the parties shall have ten (10) days from the date of service of a copy of this recommendation within which to file specific written objections with the District Court. *See* 28 U.S.C. § 636(b)(1) and Rules 72(b), 6(a) and 6(e) of the Federal Rules of Civil Procedure. Thereafter, the parties have ten (10) days within which to file a response to the objections. If any objections are filed, this action should be designated case number: **CV 07-627-TUC-RCC**. Failure to timely file objections to any factual or legal determination of the Magistrate Judge may be considered a waiver of a party's right to *de novo* consideration of the issues. *See United States v. Reyna-Tapia* 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*).

DATED this 9th day of February, 2009.

Jacqueline Marshall
United States Magistrate Judge