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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KERRY RASHAD ROBERTS,)	NO. CV 16-4956-FMO(E)
)	
Plaintiff,)	
)	
v.)	REPORT AND RECOMMENDATION OF
)	
J. HAAR, et al.,)	UNITED STATES MAGISTRATE JUDGE
)	
Defendants.)	
)	

This Report and Recommendation is submitted to the Honorable Fernando M. Olguin, United States District Judge, pursuant to 28 U.S.C. section 636 and General Order 05-07 of the United States District Court for the Central District of California.

PROCEEDINGS

Plaintiff filed this action on July 7, 2016. Plaintiff filed a Second Amended Complaint on June 23, 2017. Defendants filed a "Motion to Dismiss Second Amended Complaint" on July 12, 2017.

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1 By Minute Order filed July 20, 2017, the Court ordered Plaintiff
2 to file opposition to Defendants' Motion to Dismiss within thirty (30)
3 days of July 20, 2017. The Minute Order cautioned Plaintiff that:
4 "[f]ailure timely to file opposition to the Motion may result in the
5 dismissal of the action." Nevertheless, Plaintiff failed to file any
6 opposition within the allotted time.

7
8 On August 29, 2017, the Magistrate Judge recommended that the
9 action be dismissed without prejudice. See "Report and Recommendation
10 of United States Magistrate Judge," filed August 29, 2017. On
11 September 11, 2017, Plaintiff filed an "Objection, etc.," in which
12 Plaintiff renewed his request for the appointment of counsel. By
13 Minute Order filed September 11, 2017, the Magistrate Judge withdrew
14 the prior Report and Recommendation, denied Plaintiff's renewed
15 request for the appointment of counsel and extended to October 2,
16 2017, the time within which Plaintiff could file opposition to
17 Defendants' Motion to Dismiss. Nevertheless, Plaintiff again failed
18 to file any opposition within the allotted time.

19 20 **DISCUSSION**

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22 The action should be dismissed without prejudice. Plaintiff
23 twice has failed timely to file opposition to a potentially
24 dispositive motion, despite a Court order that he do so. The Court
25 has inherent power to achieve the orderly and expeditious disposition
26 of cases by dismissing actions for failure to prosecute and for
27 failure to obey Court orders. Link v. Wabash R.R., 370 U.S. 626, 629-
28 30 (1962); Pagtalunan v. Galaza, 291 F.3d 639, 642-43 (9th Cir. 2002),

1 **NOTICE**

2 Reports and Recommendations are not appealable to the Court of
3 Appeals, but may be subject to the right of any party to file
4 objections as provided in the Local Rules Governing the Duties of
5 Magistrate Judges and review by the District Judge whose initials
6 appear in the docket number. No notice of appeal pursuant to the
7 Federal Rules of Appellate Procedure should be filed until entry of
8 the judgment of the District Court.

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