

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CARLYNE JANE P. ADA,  
Petitioner,  
  
v.  
  
FEDERAL BOARD OF  
INVESTIGATIONS,  
  
Respondent.

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NO. SA CV 17-1137-JAK(E)  
  
  
  
REPORT AND RECOMMENDATION OF  
  
UNITED STATES MAGISTRATE JUDGE

This Report and Recommendation is submitted to the Honorable John A. Kronstadt, 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

Carmelita P. Ada, assertedly on behalf of her high school student daughter, Petitioner Carlyne Jane P. Ada, filed a "Petition for Writ of Habeas Corpus by a Person in Federal Custody" on July 3, 2017. The Court filed an "Order Dismissing Petition with Leave to Amend" on

1 July 7, 2017. Therein, the Court allowed Petitioner thirty (30) days  
2 from July 7, 2017, within which to file a First Amended Petition. The  
3 Court cautioned that: "[f]ailure to file a timely First Amended  
4 Petition in conformity with this Order may result in the dismissal of  
5 this action for failure to prosecute." Nevertheless, no timely First  
6 Amended Petition has been filed.

#### 7 8 **DISCUSSION**

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10 The action should be dismissed without prejudice under the  
11 Court's inherent power to achieve the orderly and expeditious  
12 disposition of cases by dismissing actions for failure to prosecute.  
13 See Link v. Wabash R.R., 370 U.S. 626, 629-30 (1962). The Court has  
14 considered the factors recited in Ferdik v. Bonzelet, 963 F.2d 1258,  
15 1260-62 (9th Cir.), cert. denied, 506 U.S. 915 (1992), and has  
16 concluded that dismissal without prejudice is appropriate. In  
17 particular, any less drastic alternative would not be effective under  
18 the circumstances of this case.

#### 19 20 **RECOMMENDATION**

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22 For all of the foregoing reasons, IT IS RECOMMENDED that the  
23 Court issue an Order: (1) accepting and adopting this Report and

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1 Recommendation; and (2) directing that Judgment be entered dismissing  
2 the action without prejudice.

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4 DATED: August 15, 2017.

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6 /s/  
7 CHARLES F. EICK  
8 UNITED STATES MAGISTRATE JUDGE  
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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.