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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

JUAN RADILLO,)	NO. 1:04-cv-05353-GSA-PC
)	
Plaintiff,)	ORDER DISMISSING ACTION FOR
)	FAILURE TO PROSECUTE
v.)	
)	
M. CHAMALBIDE,)	
)	
Defendant.)	

Plaintiff is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. The parties have consented to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c)(1).

On May 24, 2010, Plaintiff filed a Notice of Voluntary Dismissal. In his notice, Plaintiff indicated that he is no longer able to litigate this case. Specifically, Plaintiff indicated that it was “beyond his means” to produce witnesses, and his lack of resources rendered him unable to litigate this case. Defendant filed a Statement of Non-Opposition.

Plaintiff titled his notice as a “Motion To Dismiss Without Prejudice; Request For Settlement Intervention.” Plaintiff indicated that “this case can easily be resolved by a settlement conference, mediated by the Court, which is what Plaintiff would prefer.”

On April 21, 2010, an order to show cause was entered, directing Plaintiff to show cause within thirty days why this action should not be dismissed pursuant to Local Rule 110 for

1 Plaintiff's failure to file a status report. Plaintiff failed to file a status report in response to the
2 order to show cause. On June 11, 2010, an order was entered, advising Plaintiff that the Court
3 would not schedule a settlement conference, and would not dismiss this action contingent upon
4 the scheduling of a settlement conference. Plaintiff was advised that should he desire to proceed
5 with this action, he must file a status report in accordance with the order of February 19, 2010.
6 The Court granted Plaintiff an extension of time in which to notify the Court regarding his
7 intention to proceed with this action. Plaintiff was specifically cautioned that should he fail to
8 respond to this order, this action will be dismissed without prejudice pursuant to Local Rule 110.
9 The thirty day period in which to respond has passed, and Plaintiff has not responded to the order
10 of June 11, 2010.

11 Accordingly, IT IS HEREBY ORDERED that this action is dismissed without prejudice
12 pursuant to Local Rule 110 for Plaintiff's failure to prosecute. The Clerk is directed to close this
13 case.

14
15
16 IT IS SO ORDERED.

17 **Dated: July 15, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE