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5                    **UNITED STATES DISTRICT COURT**

6                    **EASTERN DISTRICT OF CALIFORNIA**

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8   **IN RE:**                                    | **CASE NO. 1:10-CV-2014 AWI JLT**

9   **TIMOTHY JOHN HARDT and**                    | **ORDER  ADOPTING IN FULL THE**
    **MICHELLE RENE HARDT**                        **FINDINGS AND RECOMMENDATIONS**
10                                                  **DISMISSING THE ACTION FOR**
           **Debtors.**                             **PLAINTIFFS' FAILURE TO**
11                                                  **PROSECUTE**

12  **MARK DELL DONNE, individually, as a**
    **participant in THE JOURNEY**
13  **ELECTRICAL TECHNOLOGIES, INC.**
    **401K PLAN, and as trustee of THE**
14  **JOURNEY ELECTRICAL**
    **TECHNOLOGIES, INC. 401K PLAN;**
15  **THE JOURNEY ELECTRICAL**
    **TECHNOLOGIES, INC. 401K PLAN;**
16  **and THE JOURNEY ELECTRICAL**
    **TECHNOLOGIES, INC., a California**
17  **corporation,**

18         **Plaintiffs**

19      **v.**

20  **TIMOTHY JOHN HARDT, an**
    **individual; MICHELLE RENE HARDT,**
21  **and individual, and DOES 1-200,**

22
           **Defendants**
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24         On September 30, 2013, Plaintiffs' counsel filed declarations asking the court to dismiss

25  the case without prejudice as Plaintiffs had cut off contact with counsel; despite attempts at

26  communication, counsel have not heard from Plaintiffs in over six months. Docs. 32 and 33.  On

27  October 1, 2013, Magistrate Judge Jennifer Thurston issued a findings and recommendations that

28  the action be dismissed without prejudice. Doc. 34.  That document advised the parties that any

objections should be filed within fourteen days.  No party has filed any objections.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and Britt v. Simi Valley United School Dist., 708 F.2d 452, 454 (9th Cir. 1983), this Court has conducted a de novo review of the case.  Having carefully reviewed the entire file, the Court finds that the findings and recommendation are supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED:

The Findings and Recommendations filed October 1, 2013 (Doc. 34), are ADOPTED IN FULL.

Plaintiffs' claims are DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated:    October 31, 2013                    _____

                                       SENIOR  DISTRICT  JUDGE