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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KENYATTA LATCHISON,

Plaintiff,

v.

R. LOPEZ,

Defendant.

CASE NO. 1:11-cv-01280-AWI-GBC (PC)

FINDINGS AND RECOMMENDATION
RECOMMENDING TO DISMISS ACTION
WITHOUT PREJUDICE FOR FAILURE TO
RESPOND TO THE COURT’S ORDER

(Doc. 5; Doc. 6)

RESPONSE DUE IN 15 DAYS

On August 4, 2011, the Court issued an Order Re Consent or Request for Reassignment, requiring Plaintiff to complete and return the form within thirty (30) days, indicating either consent to the jurisdiction of the U.S. Magistrate Judge, or requesting that the case be reassigned to a U.S. District Judge. On September 19, 2011, the Court issued a second order requiring Plaintiff to complete and return the form within thirty (30) days, indicating either consent to the jurisdiction of the U.S. Magistrate Judge, or requesting that the case be reassigned to a U.S. District Judge. The thirty-day period has expired, and petitioner has not returned the form, or otherwise responded to the Court's order. On November 10, 2011, the Court issued an Order to Show Cause as to why Plaintiff's action should not be dismissed for failure to comply with the Court's order. Doc. 6. To date, Plaintiff has failed to respond to the Court's Order to Show Cause.

Local Rule 110 provides that “failure of counsel or of a party to comply with these [Local] Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” Such sanctions can include dismissal of this

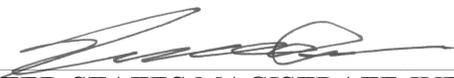
1 action. *See In re Phenylpropanolamine (PPA) Products Liability Litigation*, 460 F.3d 1217, 1226-27
2 (9th Cir. 2006).

3 Based on the foregoing, the Court HEREBY RECOMMENDS that: Plaintiff's action filed
4 August 3, 2011, be DISMISSED WITHOUT PREJUDICE for failure to comply with a court order.
5 Doc. 1.

6 These Findings and Recommendations will be submitted to the United States District Judge
7 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fifteen (15)**
8 **days** after being served with these Findings and Recommendations, Plaintiff may file written
9 objections with the court. The document should be captioned "Objections to Magistrate Judge's
10 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
11 specified time may waive the right to appeal the District Court's order. *Martinez v. Ylst*, 951 F.2d
12 1153 (9th Cir.1991).

13
14 IT IS SO ORDERED.

15 Dated: December 14, 2011


16 UNITED STATES MAGISTRATE JUDGE