

1 dismissal (ECF No. 59).

2 In the objections to the Findings and Recommendations, Plaintiff's counsel represents
3 that, "due to clerical errors the unexecuted, as opposed to the executed version of the
4 Acknowledgment, was inadvertently filed with the Court," and a paralegal who had been newly
5 assigned "did not receive notice of this error or the subsequent Order To Show Cause notices
6 from the Court which were according [sic] not properly processed or calendared." (ECF No. 60 at
7 3-4.) Plaintiff's counsel admits that she is "fully responsible for these errors as the attorney in
8 charge of this file"; asks that the Court "accept [her] sincere apology for the above-described
9 errors that occurred and the miscommunications associated therewith"; again apologizes "for any
10 inconvenience associated with these errors and respectfully requests that sanctions not be
11 imposed and that this action be fully and finally dismissed." (*Id.*)

12 As set out in the Findings and Recommendations, Plaintiff has repeatedly failed to comply
13 with the Court's orders and did not provide an adequate explanation for failing to comply with the
14 Court's second OSC. (*See* ECF Nos. 56, 47.) This history of noncompliance raises some concern
15 as to counsel's explanation for failing to respond to the Court's third OSC.

16 Nonetheless, in light of Plaintiff's counsel's apology to the Court, the filing by Plaintiff of
17 the request for voluntary dismissal with prejudice, and quick response to the Findings and
18 Recommendations, the Court will withdraw its Findings and Recommendations and discharge the
19 third OSC.

20 IT IS ORDERED that the Findings and Recommendations, entered by the Court on March
21 16, 2020 (ECF No. 56) are WITHDRAWN, and the Order to Show Cause, entered by the Court
22 on February 20, 2020 (ECF No. 52) is DISCHARGED.
23 IT IS SO ORDERED.

24 Dated: March 18, 2020

25 /s/ Eric P. Gray
26 UNITED STATES MAGISTRATE JUDGE
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