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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

VIRGIE B. SCHNEIDER, et al.,  
Plaintiffs,  
v.  
VILLAS AT VILLAGIO, et al.,  
Defendants.

Case No. 1:15-cv-01106-JAM-SAB  
FINDINGS AND RECOMMENDATIONS  
RECOMMENDING THAT THIS ACTION  
BE DISMISSED  
OBJECTIONS DUE WITHIN FOURTEEN  
(14) DAYS

On October 15, 2015, the Court issued an order to show cause why I.Q. Data International, Inc. should not be dismissed from this action, as Plaintiffs Virgie B. Schneider and Richard L. Schneider (“Plaintiffs”) had previously informed the Court that I.Q. Data International, Inc. was the not the same entity sued by Plaintiffs in their complaint and therefore had no standing to appear or defend in this action. (ECF No. 58.) Plaintiffs filed a response to the Court’s order to show cause on October 19, 2015. (ECF No. 59.)

Although Plaintiffs’ response is largely unintelligible, at the end of their written response, Plaintiffs quite clearly “request that this entire action be dismissed.” (Response to the OSC, at pg. 3:8.) Plaintiffs inform the Court that “[they] have now successfully entered into settlements with all other defendants and are satisfied that [they] have been fully compensated.” (Response to the OSC, at pg. 3:9-10.)

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1 Under Federal Rule of Civil Procedure 41(a)(2), an action may be dismissed at the  
2 plaintiff's request by court order. It appears to the Court that it is proper for this case to be so  
3 dismissed. If any party objects to dismissal under Rule 41(a)(2), they may file objections to  
4 these findings and recommendations.

5 Accordingly, it is HEREBY RECOMMENDED that this action be dismissed, without  
6 prejudice, and all pending matters and dates be vacated as moot.

7 These findings and recommendations are submitted to the district judge assigned to this  
8 action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 304. Within fourteen  
9 (14) days of service of this recommendation, any party may file written objections to these  
10 findings and recommendations with the Court and serve a copy on all parties. Such a document  
11 should be captioned "Objections to Magistrate Judge's Findings and Recommendations." The  
12 district judge will review the magistrate judge's findings and recommendations pursuant to 28  
13 U.S.C. § 636(b)(1)(C). The parties are advised that failure to file objections within the specified  
14 time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th  
15 Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

16 IT IS SO ORDERED.

17 Dated: October 20, 2015

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20 UNITED STATES MAGISTRATE JUDGE  
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