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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 DARYL LEON HANSON,

12 Plaintiff,

13 vs.

14 MARGARET MIMMS, et al.,

15 Defendants.  
16  
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1:17-cv-00576-AWI-GSA-PC

FINDINGS AND RECOMMENDATIONS,  
RECOMMENDING THAT THIS CASE BE  
DISMISSED FOR FAILURE TO OBEY  
COURT ORDERS AND FAILURE TO  
PROSECUTE  
(ECF Nos. 3, 5.)

OBJECTIONS, IF ANY, DUE IN  
FOURTEEN (14) DAYS

18 **I. BACKGROUND**

19 Daryl Leon Hanson (“Plaintiff”) is a Fresno County Jail inmate proceeding pro se and  
20 in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983.

21 On April 26, 2017 and August 3, 2017, the court issued orders requiring Plaintiff to  
22 complete the court’s form indicating whether he consents to, or declines, Magistrate Judge  
23 jurisdiction and return the form to the court within thirty days. (ECF Nos. 3, 5.) The thirty-day  
24 time periods expired and Plaintiff did not return the court’s consent/decline form or otherwise  
25 respond to the court’s orders.<sup>1</sup>  
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27 <sup>1</sup> The United States Postal Service returned the August 3, 2017, order on September 28, 2017, as undeliverable.  
28 A notation on the envelope indicates that Plaintiff is not in custody. However, Plaintiff has not notified the court  
of any change in his address. Absent such notice, service at a party’s prior address is fully effective. Local Rule  
182(f).

1 On September 22, 2017, the court issued an order to show cause requiring Plaintiff to  
2 file a written response within fourteen days of the date of service of the order, showing cause  
3 why this case should not be dismissed for Plaintiff's failure to obey court orders. (ECF No. 6.)  
4 Plaintiff was forewarned in the court's order that his "[f]ailure to respond to this order may  
5 result in the dismissal of this action, without prejudice." (Id. at 3.) The fourteen-day deadline  
6 has passed, and Plaintiff has not filed a response to the order to show cause.<sup>2</sup>

7 **II. CONCLUSION AND RECOMMENDATION**

8 Accordingly, the Court **HEREBY RECOMMENDS** that this action be dismissed  
9 without prejudice, based on Plaintiff's failure to obey the court's orders of April 26, 2017,  
10 August 3, 2017, and September 22, 2017, and failure to prosecute this action.

11 These findings and recommendations are submitted to the United States District Judge  
12 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen  
13 (14) days from the date of service of these findings and recommendations, Plaintiff may file  
14 written objections with the court. Such a document should be captioned "Objections to  
15 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file  
16 objections within the specified time may result in the waiver of rights on appeal. Wilkerson v.  
17 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394  
18 (9th Cir. 1991)).

19  
20 IT IS SO ORDERED.

21 Dated: October 24, 2017

21 /s/ Gary S. Austin  
22 UNITED STATES MAGISTRATE JUDGE

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27 <sup>2</sup> The United States Postal Service returned the order to show cause on October 3, 2017, as undeliverable,  
28 indicating that Plaintiff is not in custody. Local Rule 182(f).