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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PHILLIP J. LONG,

Plaintiff,

v.

CORIZON HEALTH, INC., et al.,

Defendants.

CASE NO. 1:17-cv-0898-LJO-JLT (PC)

**FINDINGS AND RECOMMENDATIONS
TO DISMISS THIS ACTION WITHOUT
PREJUDICE FOR FAILURE TO
PROSECUTE AND FAILURE TO
COMPLY WITH A COURT ORDER**

FOURTEEN-DAY DEADLINE

This action proceeds against a single Jane Doe defendant on an Eighth Amendment claim brought pursuant to 42 U.S.C. § 1983. (Docs. 11, 12.) On February 14, 2019, the Court granted Plaintiff ninety days to identify Jane Doe and directed Plaintiff to file a notice of substitution once she has been identified. Plaintiff was then informed that if he failed to comply with the directive, the Court will recommend that this action be dismissed. The ninety-day period has now passed, and Plaintiff has not submitted a notice of substitution or otherwise responded to the Court’s order. Accordingly, the Court RECOMMENDS that this action be dismissed without prejudice for failure to prosecute and failure to comply with a court order. See Fed. R. Civ. P. 41(b)

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections

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with the court and serve a copy on all parties. The document should be captioned “Objections to Magistrate Judge's Findings and Recommendations.” Any response to the objections shall be filed and served within seven days after service of the objections. The parties are advised that failure to file objections within the specified time may result in waiver of the right to appeal the district court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: June 12, 2019

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE