

1 sanctions.” In re Phenylpropanolamine (PPA) Products Liability Litig., 460 F.3d 1217, 1226 (9th Cir.
2 2006) (internal quotations and citations omitted). These factors guide a court in deciding what to do,
3 and are not conditions that must be met in order for a court to take action. Id. (citation omitted).

4 Based on Plaintiff’s failure to comply with or otherwise respond to the order, this action should
5 be dismissed. Id. This action, which has been pending July 2017, can proceed no further without
6 Plaintiff’s cooperation and compliance with the order at issue, and the action cannot simply remain
7 idle on the Court’s docket, unprosecuted. Id. Accordingly, it is HEREBY RECOMMENDED that
8 this action be dismissed, without prejudice, for failure to prosecute.

9 This Findings and Recommendation will be submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **fourteen (14) days**
11 after being served with this Findings and Recommendation, Plaintiff may file written objections with
12 the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and
13 Recommendation.” Plaintiff is advised that failure to file objections within the specified time may
14 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
15 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

16
17 IT IS SO ORDERED.

18 Dated: April 16, 2018



UNITED STATES MAGISTRATE JUDGE