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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PORFIRIO LAMARQUE,  
Plaintiff,  
v.  
JIM BARCUS, et al,  
Defendants.

**Case No.: 1:18-cv-01234 DAD JLT (PC)**

**FINDINGS AND RECOMMENDATIONS  
TO DISMISS ACTION WITHOUT  
PREJUDICE FOR FAILURE TO  
COMPLY WITH COURT ORDER  
  
FOURTEEN-DAY DEADLINE**

Plaintiff’s first amended complaint was screened recently, and he was directed to submit a notice as to whether he wishes to stand on his pleading, to proceed with it as screened, or to file a second amended complaint. (Doc. 17.) Plaintiff was provided a thirty-day response period, and he was specifically informed that if he did not submit an amended pleading or a notice, then the Court would recommend that this action be dismissed for failure to obey a court order. The deadline to submit a response has now passed, and plaintiff has not submitted a notice or otherwise responded to the order. Accordingly, the Court **RECOMMENDS** that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are 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, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections

1 to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file  
2 objections within the specified time may waive the right to appeal the District Court’s order.

3 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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5 IT IS SO ORDERED.

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7 Dated: December 19, 2019

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

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