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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES CHATMAN,

Plaintiff,

No. 2:06-cv-2912 LKK EFB P

vs.

TOM FELKER, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

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Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On August 1, 2012, defendants filed a motion for summary judgment and informed plaintiff of the requirements for opposing a motion for summary judgment. *See* Fed. R. Civ. P. 56; *Rand v. Rowland*, 154 F.3d 952, 962-63 (9th Cir. 1998). On October 4, 2012, plaintiff requested a fourteen-day extension of time to file his opposition. Plaintiff explained that his opposition was completed, but he needed additional time to obtain copies through the law library. On the same day, the court granted plaintiff twenty-one days to file an opposition or statement of non-opposition and warned him that failure to do so could result in a recommendation that this action be dismissed. *See* Fed. R. Civ. P. 41(b). On October 23, 2012 plaintiff filed a “status report.” He stated that he needed a few more weeks to retrieve his property and make copies of his opposition brief. Nearly a month has passed and plaintiff has

1 not filed his opposition or requested additional time to do so. Plaintiff has been warned that he  
2 must file a response to defendants' motion. Plaintiff has disobeyed this court's orders and failed  
3 to prosecute this action. The appropriate action is dismissal without prejudice.

4 Accordingly, it is hereby RECOMMENDED that this action be dismissed without  
5 prejudice. See Fed. R. Civ. P. 41(b); E.D. Cal. Local Rule 110, 183(b).

6 These findings and recommendations are submitted to the United States District Judge  
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
8 after being served with these findings and recommendations, any party may file written  
9 objections with the court and serve a copy on all parties. Such a document should be captioned  
10 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections  
11 within the specified time may waive the right to appeal the District Court's order. *Turner v.*  
12 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

13 Dated: November 19, 2012.

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15 EDMUND F. BRENNAN  
16 UNITED STATES MAGISTRATE JUDGE  
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