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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK OTIS NELSON,  
Plaintiff,  
v.  
S. C. PECK, et al.,  
Defendants.

No. 2:09-cv-0140-TLN-EFB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a former state prisoner proceeding in an action brought under 42 U.S.C. § 1983. On June 22, 2018, the court issued an order directing the parties to file a joint status report within thirty days. ECF No. 68. On July 23, 2018, defendant filed a status report on his behalf only, stating that plaintiff could not be reached for purposes of submitting a joint status report. ECF No 69. Accordingly, the court ordered plaintiff to show cause within 30 days why he should not be sanctioned for his failure to comply with the court’s order. *See* E.D. Cal. L.R. 110 (“Failure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.”); *see also* E.D. Cal. L.R. 183 (“Any individual representing himself or herself without an attorney is bound by the Federal Rules of Civil or Criminal Procedure and by these Local Rules.”); *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (“Failure to follow a district court’s local rules is a proper ground for dismissal.”). The

1 court also directed the parties to file a joint status report within 30 days. On August 24, 2018,  
2 defendant filed another status report on his behalf only, again stating that plaintiff could not be  
3 reached for purposes of submitted a joint status report. *See* ECF No. 71 (stating that the phone  
4 number plaintiff provided is out of order, that he has no known e-mail address, and that mail sent  
5 to plaintiff has not been answered).

6 The time for acting has passed and plaintiff has neither responded to the order to show  
7 cause nor submitted a status report. Accordingly, it is hereby RECOMMENDED that this action  
8 be dismissed for failure to prosecute and failure to comply with court orders. *See* Fed. R. Civ. P.  
9 41(b); E.D. Cal. L.R. 110.

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

17 Dated: August 29, 2018.

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19 EDMUND F. BRENNAN  
20 UNITED STATES MAGISTRATE JUDGE  
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