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

STUART WELCH and
PAULA WELCH,

Plaintiffs,

No. CIV S-09-0168 LKK DAD PS

vs.

COUNTRYWIDE HOME LOANS,
FREMONT INVESTMENT & LOAN,
and ENCORE CREDIT CORP.,

Defendants,

FINDINGS AND RECOMMENDATIONS

By order filed and served by mail on September 21, 2009, plaintiffs' pro se complaint was dismissed with leave to file an amended complaint that cures the defects noted in the order and complies with applicable rules. Plaintiffs were granted thirty days from the date of the order to file their amended complaint and were cautioned that failure to respond to the order in a timely manner may result in a recommendation that this action be dismissed. The thirty-day period has now expired, and plaintiffs have not responded to the court's order in any manner.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 11-110; 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

1 twenty days after being served with these findings and recommendations, plaintiffs may file
2 written objections with the court. A document containing objections should be titled "Objections
3 to Magistrate Judge's Findings and Recommendations." Plaintiffs are advised that failure to file
4 objections within the specified time may waive the right to appeal the District Court's order. See
5 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: October 30, 2009.

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10 DALE A. DROZD
11 UNITED STATES MAGISTRATE JUDGE

10 DAD:kw
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