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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	CURTIS WILSON,
11	Plaintiff, No. CIV S-09-0827 MCE DAD P
12	VS.
13	STATE OF CALIFORNIA, et al.,
14	Defendants. <u>FINDINGS AND RECOMMENDATIONS</u>
15	/
16	Plaintiff is a former state prisoner proceeding pro se with a civil rights action
17	pursuant to 42 U.S.C. § 1983. On September 24, 2010, the court issued an order setting this case
18	for mediation on November 8, 2010, before Joe Ramsey, Esq. Plaintiff was ordered to personally
19	attend the mediation and to provide a confidential settlement conference statement by October
20	29, 2010. Plaintiff failed to submit the confidential settlement conference statement, failed to
21	appear for the mediation, and did not otherwise respond to the court's order.
22	The court possesses the discretionary authority to dismiss an action based on
23	plaintiff's failure to diligently prosecute and for plaintiff's failure to comply with the court's
24	orders. Fed. R. Civ. P. 41(b); Local Rule 110. Plaintiff's failure to comply with this court's
25	September 24, 2010 order and his failure to attend the scheduled mediation support the exercise
26	of the court's discretion to dismiss this action.
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1	Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed
2	with prejudice. Fed. R. Civ. P. 41(b); Local Rule 110.
3	These findings and recommendations are submitted to the United States District
4	Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within twenty-
5	one days after being served with these findings and recommendations, any party may file written
6	objections with the court. The document should be captioned "Objections to Magistrate Judge's
7	Findings and Recommendations." Any response to the objections shall be filed and served
8	within fourteen days after service of the objections. The parties are advised that failure to file
9	objections within the specified time may waive the right to appeal the District Court's order.
10	Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).
11	DATED: November 8, 2010.
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13	Dale A. Dropt
14	UNITED STATES MAGISTRATE JUDGE
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