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

CURTIS WILSON,

Plaintiff,

No. CIV S-09-0827 MCE DAD P

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /

Plaintiff is a former state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On September 24, 2010, the court issued an order setting this case for mediation on November 8, 2010, before Joe Ramsey, Esq. Plaintiff was ordered to personally attend the mediation and to provide a confidential settlement conference statement by October 29, 2010. Plaintiff failed to submit the confidential settlement conference statement, failed to appear for the mediation, and did not otherwise respond to the court’s order.

The court possesses the discretionary authority to dismiss an action based on plaintiff’s failure to diligently prosecute and for plaintiff’s failure to comply with the court’s orders. Fed. R. Civ. P. 41(b); Local Rule 110. Plaintiff’s failure to comply with this court’s September 24, 2010 order and his failure to attend the scheduled mediation support the exercise of the court’s discretion to dismiss this action.

