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

YVETTE YOUNG,

Plaintiff,

No. CIV S-09-1117 FCD EFB PS

vs.

PAUL FINANCIAL, LLC,
et al.,

Defendants.

ORDER AND FINDINGS
AND RECOMMENDATIONS

On June 5, 2009, this court ordered plaintiff to show cause, on or before July 1, 2009, why sanctions should not be imposed due to plaintiff’s failure to file an opposition or statement of non-opposition to defendants’ pending motion to dismiss. Plaintiff was also directed to file an opposition or a statement of non-opposition no later than July 1, 2009. The hearing date of June 17, 2009 was continued to July 15, 2009, to permit plaintiff additional time to respond to the pending motion.

The July 1, 2009 deadline has expired, and plaintiff has not shown cause or otherwise responded to the court’s order. It appears that plaintiff has abandoned this case.

Federal Rule of Civil Procedure 41(b) allows dismissal “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order . . .” *See also* E. D. Cal. L. R. 11-110 (“Failure of counsel or of a party to comply with these Rules or with any order of the Court may

1 be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or
2 within the inherent power of the Court”). Plaintiff’s *pro se* status does not derogate this
3 authority. “Any individual representing himself or herself without an attorney is bound by the
4 Federal Rules of Civil or Criminal Procedure and by these Local Rules. All obligations placed
5 on ‘counsel’ by these Local Rules apply to individuals appearing *in propria persona*. Failure to
6 comply therewith may be ground for dismissal, judgment by default, or any other sanction
7 appropriate under these Rules.” E. D. Cal. L. R. 83-183.

8 Accordingly, for the foregoing reasons, IT IS HEREBY ORDERED that the July 15,
9 2009 hearing on defendants’ motion to dismiss, Dckt. No. 5, is vacated.

10 Further, IT IS HEREBY RECOMMENDED that this action be dismissed without
11 prejudice for failure to prosecute, and failure to comply with the court’s order as well as the
12 Federal Rules of Civil Procedure and the local rules of this court. *See* Fed. R. Civ. P. 41(b); E.D.
13 Cal. L R. 11-110.

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

21 DATED: July 9, 2009.

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24 EDMUND F. BRENNAN
25 UNITED STATES MAGISTRATE JUDGE
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