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

MAI VANG,

No. CIV S-09-1621 MCE DAD PS

Plaintiff,

v.

LUELLA HUDSON, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

\_\_\_\_\_ /

This matter came before the court on June 4, 2010 at 11:00 a.m. for a Status (Pretrial Scheduling) Conference. No appearance was made by plaintiff, who is proceeding pro se in this action. R. Duane Skelton, Esq. appeared as counsel for defendant Luella Hudson.

On April 6, 2010, the court’s order setting the status conference was filed and served by the court on each party who has appeared in this case and has not been dismissed. The order provides that “[e]ach party shall appear at the Status Conference either by counsel or, if proceeding in propria persona, on his or her own behalf.” Order Setting Status (Pretrial Scheduling) Conference (Doc. No. 43) at 2. The order also provides that “[p]laintiff Vang shall file and serve a status report on or before May 21, 2010.” Id. Plaintiff was advised that

the failure to file a timely status report or the failure to appear at the status conference, either in person or telephonically, may result in a recommendation that this case be dismissed for lack of

1 prosecution and as a sanction for failure to comply with court  
2 orders and applicable rules. See Local Rules 110 and 183.

3 Id. at 3. The court recently reminded plaintiff of her obligations to file a status report and appear  
4 at the status conference on June 4, 2010. See Order filed May 18, 2010 (Doc. No. 48) at 1-2 &  
5 n.1. In direct violation of the court's orders, plaintiff failed to fail a status report and failed to  
6 appear at the status conference.

7 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed  
8 without prejudice for lack of prosecution and as a sanction for failure to comply with court orders  
9 and applicable rules.

10 These findings and recommendations will be submitted to the United States  
11 District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Any  
12 objections to these findings and recommendations must be in submitted in writing and must be  
13 filed and served within fourteen (14) days after these findings and recommendations are filed. A  
14 document containing objections should be titled "Objections to Magistrate Judge's Findings and  
15 Recommendations." Failure to file objections within the specified time may waive the right to  
16 appeal the District Court's order. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

17 DATED: June 7, 2010.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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