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

ROBERT CRAIG HARRIS,

Plaintiff,

No. CIV S-09-2336 WBS GGH

vs.

MICHAEL J. ASTRUE,
Commissioner of Social
Security,

Defendants.

FINDINGS & RECOMMENDATIONS

_____ /

By order filed August 23, 2010, plaintiff was ordered to show cause, within fourteen days, why his action should not be dismissed for lack of prosecution. The fourteen day period has now expired, and plaintiff has not shown cause or otherwise responded to the court's order.

This is not the first time that plaintiff's counsel has ignored an order to show cause. He was previously sanctioned in the amount of \$500.00 for ignoring two of those orders. In the latest incident, counsel failed to file his motion for summary judgment in accordance with the previously issued scheduling order, and then ignored an order to show cause concerning the failure. No other option is left open to the undersigned at this point but to recommend dismissal.

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1 IT IS HEREBY RECOMMENDED that this action be dismissed without
2 prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

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)(1). Within fourteen
5 days after being served with these findings and recommendations, plaintiff may file written
6 objections with the court. The document should be captioned "Objections to Magistrate Judge's
7 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
8 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
9 F.2d 1153 (9th Cir. 1991).

10 DATED: September 30, 2010

11 /s/ Gregory G. Hollows

12 UNITED STATES MAGISTRATE JUDGE

13 GGH:035
14 harris.fsc