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

IGNATIUS ANYANWU, et al.,

No. CIV S-09-2493 GEB DAD PS

Plaintiffs,

v.

PROGRESSIVE FINANCIAL  
SERVICES, INC., et al.,

FINDINGS AND RECOMMENDATIONS

Defendants.

\_\_\_\_\_ /  
This matter came before the court on December 11, 2009 for a Status (Pretrial Scheduling) Conference. Plaintiffs Ignatius Anyanwu and Ignatius Anyanwu, Jr., both proceeding pro se in this action, made no appearance. June Dittus Coleman, Esq. appeared for defendant Progressive Financial Services, Inc.

The docket reflects that plaintiffs did not file the Status Report required by the court's October 6, 2009 Order Setting Status (Pretrial Scheduling) Conference. The docket further reveals that plaintiffs have not filed any document in this action since the case was removed from Sacramento County Superior Court on September 3, 2009. No document served on plaintiffs by this court has been returned as undeliverable. Defendant's counsel stated on the record at the Status Conference that she has had no contact with the plaintiffs other than serving copies of documents on them.

1 The court's October 6, 2009 order provides that "[e]ach party shall appear at the  
2 Status Conference." (Order filed Oct. 6, 2009, at 2.) For the parties' convenience, the court  
3 granted leave to appear telephonically by making arrangements no later than three days prior to  
4 the Status (Pretrial Scheduling) Conference. (Id.) The order included the following admonition:

5 The pro se plaintiffs are informed that failure to file a timely status  
6 report or failure to appear at the status conference in person or  
7 telephonically may result in a recommendation that this case be  
dismissed for lack of prosecution and as a sanction for failure to  
comply with court orders and applicable rules.

8 (Id. at 3 (citations omitted).)

9 In light of plaintiffs' failure to file a status report, failure to appear at the status  
10 conference, and failure to take any steps to litigate their case, IT IS RECOMMENDED that this  
11 action be dismissed without prejudice for lack of prosecution and as a sanction for failure to  
12 comply with court orders and applicable rules.

13 These findings and recommendations will be submitted to the United States  
14 District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within  
15 fourteen (14) days after the Clerk serves these findings and recommendations, any party may file,  
16 and serve written objections to the findings and recommendations. A document containing  
17 objections should be titled "Objections to Magistrate Judge's Findings and Recommendations."  
18 Any reply to objections shall be filed within seven (7) days after the objections are served. The  
19 parties are advised that failure to file objections within the specified time may, under certain  
20 circumstances, waive the right to appeal the district court's order. See Martinez v. Ylst, 951 F.2d  
21 1153 (9th Cir. 1991).

22 DATED: December 14, 2009.

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DALE A. DROZD  
26 UNITED STATES MAGISTRATE JUDGE

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