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

RONALD DAVENPORT,

Plaintiff,

No. 2:09-cv-3091 GEB EFB P

vs.

BEN LEE, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On April 26, 2012, defendant Sahota filed a motion for summary judgment. *See* Fed. R. Civ. P. 56. Plaintiff has not filed an opposition or a statement of no opposition to the motion. On June 22, 2012 the court granted plaintiff an extension of time to file an opposition or statement of non-opposition and warned plaintiff that failure to do so could result in a recommendation that this action be dismissed. The time for acting has passed and plaintiff has not filed an opposition or a statement of no opposition.

Plaintiff has been warned that he must file a response to defendant’s motion. Plaintiff has disobeyed this court’s orders and failed to prosecute this action.

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1           Accordingly, it is hereby RECOMMENDED that this action be dismissed without  
2 prejudice. *See* Fed. R. Civ. P. 41(b); E.D. Cal. Local Rule 110.

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

10 DATED: July 24, 2012.

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12 EDMUND F. BRENNAN  
13 UNITED STATES MAGISTRATE JUDGE  
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