

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

DAVID LEE LASKIEWICZ,

No. 2:11-cv-2828-JAM-CMK

Plaintiff,

vs.

ORDER

RUSSELL SWARTZ, et al.,

Defendants.

_____ /

Plaintiff, proceeding in this action in propria persona, brings this civil action. On January 28, 2014, the undersigned issued findings and recommendations recommending that this action be dismissed without prejudice for plaintiff's lack of prosecution and failure to keep the court informed as to his current address.

Plaintiff's late filed objections to the findings and recommendations are now pending before the court.

Plaintiff states in his objections that he was having difficulty retrieving his mail from his current Post Office box. However, it appears that is still the current address, and that his difficulties have been resolved. As such, the undersigned will vacate the findings and recommendations, and this case will proceed. The undersigned notes plaintiff has set a hearing

1 on his motion for default judgment against defendants Swartz and Kinney for December 3, 2014.

2 Any response or further briefs pertaining thereto shall be filed no later than November 19, 2014.

3 Accordingly, IT IS HEREBY ORDERED that the findings and recommendations
4 issued January 28, 2014, are vacated and this case will proceed on the motion for default
5 judgment.

6
7 DATED: October 17, 2014

8 
9 **CRAIG M. KELLISON**
10 UNITED STATES MAGISTRATE JUDGE