UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DANNY R. GARCIA,

Plaintiff,

v.

C/O HEATH, et al.,

Defendants.

No. 2:13-cv-1952 JAM AC P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with this civil rights action filed pursuant 42 U.S.C. § 1983. By order filed December 7, 2017, this court directed plaintiff to file and serve his opposition to defendant's pending motion for summary judgment within twenty-one days. See ECF No. 117. The court informed plaintiff that no further extensions of time would be accorded, and that failure to timely oppose defendant's motion would result in the undersigned's recommendation g that this action be dismissed without prejudice pursuant to Rule 41(b), Federal Rules of Civil Procedure. See id. at 8.

The deadline for plaintiff to file and serve his opposition has passed. The only communication from plaintiff was a request for reconsideration, directed to the district judge, of this court's denial of plaintiff's request that the undersigned magistrate judge be disqualified from participating in this action. See ECF No. 118. The district judge denied plaintiff's motion on January 19, 2018. See ECF No. 119.

Accordingly, for the reasons set forth in the undersigned's prior orders, see ECF Nos. 115 & 117, including plaintiff's failure to abide by court rules and orders, and failure to prosecute this case, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice pursuant to Rule 41(b), Federal Rules of Civil Procedure.

These findings and recommendations are submitted to the United States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: January 22, 2018

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE