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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LYNN GAVIN,

 Plaintiff,

 v.

TARGET CORPORATION, INC.; and
DOES 1-100,

 Defendants.

No. 2:13-cv-2005-MCE-EFB PS

ORDER AND FINDINGS AND
RECOMMENDATIONS

On May 21, 2014, the court granted plaintiff’s request to proceed *in forma pauperis*, directed the clerk to provide plaintiff with the forms required to effect service on defendant, and directed plaintiff to provide to the U.S. Marshal within fourteen days all information needed to effect service of process and to file a statement with the court within fourteen days thereafter that the documents were submitted. ECF No. 3.¹ Also on May 21, 2014, the court issued an order which, among other things, set a status (pretrial scheduling) conference for October 15, 2014, directed plaintiff to serve a copy of the order concurrently with service of process, and directed the parties to file status reports within fourteen days of the October 15, 2014 conference, or in this instance, by October 1, 2014. ECF No. 5.

¹ This case is before the undersigned pursuant to Eastern District Local Rule 302(c)(21). See 28 U.S.C. § 639(b)(1).

1 The docket reveals that plaintiff has not filed a statement that the service documents were
2 submitted to the Marshal, and the Marshal indicated on October 7, 2014, that he has not received
3 the service documents from plaintiff. Additionally, plaintiff did not file a status report, as
4 required by the May 21, 2014, order. Therefore, the court will vacate the status (pretrial
5 scheduling) conference and will recommend that this case be dismissed for failure to prosecute.
6 See Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110 (“Failure of counsel or of a party to comply with
7 these Rules or with any order of the Court may be grounds for imposition by the Court of any and
8 all sanctions authorized by statute or Rule or within the inherent power of the Court.”); see also
9 E.D. Cal. L.R. 183 (“Any individual representing himself or herself without an attorney is bound
10 by the Federal Rules of Civil or Criminal Procedure and by these Local Rules.”); *Ghazali v.*
11 *Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (“Failure to follow a district court’s local rules is a proper
12 ground for dismissal.”).

13 Accordingly, IT IS HEREBY ORDERED that the status conference currently scheduled
14 for October 15, 2014, is vacated.

15 IT IS FURTHER RECOMMENDED that:

16 1. This action be dismissed pursuant to Federal Rule of Civil Procedure 41(b), based on
17 plaintiff’s failure to prosecute the action and failure to comply with this court’s orders and Local
18 Rules; and

19 2. The Clerk of Court be directed to close this case.

20 These findings and recommendations are submitted to the United States District Judge
21 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
22 after being served with these findings and recommendations, any party may file written
23 objections with the court and serve a copy on all parties. Such a document should be captioned
24 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections

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1 within the specified time may waive the right to appeal the District Court's order. *Turner v.*
2 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

3 DATED: October 9, 2014.

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5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
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