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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT ELLIS,

Plaintiff,

v.

DR. ABDUR-RAHMAN, et al.,

Defendants.

No. 2:14-cv-0852 AC (TEMP) P

ORDER AND
FINDINGS AND RECOMMENDATIONS

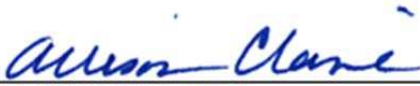
Plaintiff is a state prisoner proceeding pro se with this civil rights action brought pursuant to 42 U.S.C. § 1983. On October 30, 2015, defendant filed a motion for summary judgment. Plaintiff had not opposed or otherwise responded to the motion, so on March 9, 2016, the court ordered plaintiff to show cause in writing within twenty-one days why this court should not grant the pending motion for summary judgment. The court cautioned plaintiff that his failure to file an opposition would result in a recommendation that this action be dismissed. That twenty-one day period has now expired, and plaintiff has not opposed defendant's motion for summary judgment or responded to the court's order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to randomly assign a United States District Judge to this action.

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

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

9 DATED: April 11, 2016

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11 ALLISON CLAIRE
12 UNITED STATES MAGISTRATE JUDGE
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