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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER OLIN JONES,
Plaintiff,
v.
COUNTY OF SACRAMENTO, et al.,
Defendants.

No. 2:15-cv-0680 TLN DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a former county prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. In March 2018, defendants filed a motion to enforce a settlement agreement. (ECF No. 65.) Plaintiff’s most recent filing in response indicated that he was agreeable to a settlement on the terms set out in the motion. (ECF No. 75.) On November 9, 2018, the undersigned held a status conference to determine whether the parties have reached a settlement or whether an evidentiary hearing was necessary on defendants’ motion to enforce the settlement. Nicole Cahill appeared for defendants. There was no appearance for plaintiff.

After that status conference, the court ordered defendants’ counsel to file either a notice of settlement signed by both parties or a statement regarding counsel’s attempts to obtain a signed settlement agreement. (Nov. 13, 2018 Order (ECF No. 84).) Plaintiff was warned that if he failed to either sign the settlement agreement or inform the court by December 9, 2018 why he is unwilling to do so, this court might recommend dismissal of this action.

1 The November 13, 2018 order was served on plaintiff at the address he provided to the
2 court in August. (See ECF No. 81.) On December 7, 2018, defendants' counsel filed a statement
3 describing her several unsuccessful attempts to reach plaintiff by telephone. (ECF No. 85.) In
4 addition, plaintiff has not responded in any way to the court's November 13 order.

5 Accordingly, based on plaintiff's failure to comply with court orders, IT IS HEREBY
6 RECOMMENDED that this action be dismissed. See E.D. Cal. R. 110; Fed. R. Civ. P. 41.

7 These findings and recommendations will be submitted to the United States District Judge
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
9 after being served with these findings and recommendations, either party may file written
10 objections with the court. The document should be captioned "Objections to Magistrate Judge's
11 Findings and Recommendations." The parties are advised that failure to file objections within the
12 specified time may result in waiver of the right to appeal the district court's order. Martinez v.
13 Ylst, 951 F.2d 1153 (9th Cir. 1991).

14 Dated: December 18, 2018

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DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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