

1 On May 10, 2016, no Amended Complaint having been filed in response to the district
2 court's order, the Bank of America, N.A. moved to dismiss the complaint for failure to prosecute
3 and for failing to comply with the district court's order, ECF No. 34, and Clear Recon Corp. filed
4 a Joinder in that motion on May 11, 2016. ECF No. 35. Plaintiff filed a Motion to Vacate the
5 district court's order on May 23, 2015, ECF No. 36, and an Opposition to the Motion to Dismiss
6 on June 16, 2016, ECF No. 37. This court construed the plaintiff's Motion to Vacate as a Motion
7 to File and to deem timely the Second Amended Complaint appended thereto, ECF No. 40, and
8 that Complaint was filed by the Clerk of the Court on the same date pursuant to the court's order.
9 ECF No. 41.

10 On June 23, 2016, Bank of America filed a Motion to Dismiss, ECF No. 42, which was
11 joined by Clear Recon Corp. on June 29, 2016. ECF No. 43. The court set the matter for hearing
12 on August 3, 2016, which would have made the Plaintiff's Opposition, or Statement of Non-
13 Opposition, due on July 20, 2015 under Eastern District of California No. 230(c). Plaintiff failed
14 to Oppose these Motions. On July 28, 2016, this court issued an Order to Show Cause directing
15 the plaintiff to demonstrate in writing why the complaint should not be dismissed with prejudice
16 for failure to prosecute, and to file that response within 14 days of the issuance of the Order, or by
17 August 11, 2016; the hearing date was vacated. ECF No. 45. Plaintiff failed to respond to the
18 Order to Show Cause.


19 CONCLUSION

20 No Response to the Order having been received, this court finds that the plaintiff has
21 failed to prosecute the action and has repeatedly failed to obey court orders. It is accordingly
22 recommended that this matter be dismissed with prejudice.

23 These findings are recommendations are submitted to the United States District Judge
24 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty (30) days
25 after the service of this Order any party may file written objections and serve a copy on all
26 parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and
27 Recommendations." Any reply should be served and filed within fourteen (14) days after service
28 of the objections. The parties are advised that failure to file objections within the specified time

1 may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th
2 Cir. 1991).

3 DATED: August 12, 2016

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5 ALLISON CLAIRE
6 UNITED STATES MAGISTRATE JUDGE

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