

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CRAIG BROWNFIELD, et al.,  
Plaintiffs,  
v.  
FLOWERS BAKING CO. OF CALIFORNIA, LLC,  
Defendant.

No. 2:15-cv-02034 JAM AC

FINDINGS AND RECOMMENDATIONS

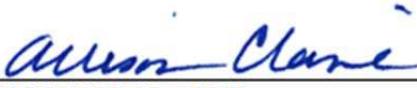
Plaintiff Sylvie Serrano is proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. (“Local Rule”) 302(c)(21). Defendant Flowers Baking Co. has moved for terminating sanctions against pro se plaintiff Sylvie Serrano, on grounds that she has effectively abandoned the litigation. ECF Nos. 37 and 38. This matter was noticed for a hearing on June 7, 2017. Id. Plaintiff’s opposition or statement of non-opposition to the motion was due on or before May 24, 2017. See Local Rule 230(c). Plaintiff did not filed a response to the motion. Accordingly, the undersigned vacated the hearing, and issued an Order to Show Cause why plaintiff’s claims should not be dismissed for failure to prosecute. ECF No. 41. Plaintiff’s response was due June 15, 2017, and she failed to respond.

///  
///

1           Therefore, IT IS HEREBY RECOMMENDED that plaintiff Sylvie Serrano’s action be  
2 dismissed, without prejudice, for lack of prosecution and for failure to comply with the court’s  
3 order. See Fed. R. Civ. P. 41(b).

4           These findings and recommendations are submitted to the United States District Judge  
5 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one  
6 (21) days after being served with these findings and recommendations, any party may file written  
7 objections with the court. Such document should be captioned “Objections to Magistrate Judge’s  
8 Findings and Recommendations.” Local Rule 304(b). Failure to file objections within the  
9 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951  
10 F.2d 1153 (9th Cir. 1991).

11 DATED: June 20, 2017

12   
13 \_\_\_\_\_  
14 ALLISON CLAIRE  
15 UNITED STATES MAGISTRATE JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28