

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

WARREN FRANK JR.,
Plaintiff,
v.
JEFF MACOMBER, et al.,
Defendants.

No. 2:15-cv-2133 KJM CKD P

FINDINGS AND RECOMMENDATIONS

On March 5, 2018, plaintiff was ordered to file a response to defendants’ January 18, 2018 motion to compel plaintiff to respond to defendants’ request for production of documents and motion to deem requests for admissions admitted based on plaintiff’s failure to provide a timely response. Plaintiff was granted 21 days within which to file his response and was warned that failure to file a response would result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b). The 21 days allotted to plaintiff for the filing of his response has expired.¹

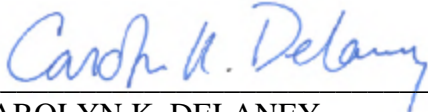
Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

¹ While plaintiff submitted responses to defendants’ request for admissions on March 9, 2018, there is nothing before the court indicating that plaintiff has responded to defendants’ request for production of documents, and, again, plaintiff has not responded to defendants’ January 18, 2018 motion.

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

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: April 10, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

1
fran2133.frs