

1 plaintiff's earlier case, Giles v. Felker, No. 2:11-cv-1825 WBS EFB (E.D. Cal.).

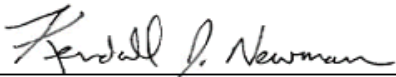
2 Almost four years have passed since the mandate was spread, yet plaintiff failed to inform
3 this court of the appellate court's ruling. Therefore, the undersigned recommends that this action
4 be dismissed based on plaintiff's failure to comply with the court's order and failure to diligently
5 prosecute this action. Fed. R. Civ. P. 41(b).

6 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign
7 a district judge to this case; and

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

10 These findings and recommendations are submitted to the United States District Judge
11 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
12 after being served with these findings and recommendations, plaintiff may file written objections
13 with the court. The document should be captioned "Objections to Magistrate Judge's Findings
14 and Recommendations." Plaintiff is advised that failure to file objections within the specified
15 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
16 (9th Cir. 1991).

17 Dated: November 22, 2021

18 
19 _____
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

20 /gile0923.sty.ftc