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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENICIO VELASQUEZ,
Plaintiff,
v.
J. ROBUSTELLI,
Defendant.

No. 2:16-cv-1131 JAM CKD P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On March 23, 2017, defendant filed a motion to dismiss. On May 9, 2017, plaintiff was granted an extension of time of thirty days to file an opposition to the motion. In the same order, plaintiff was informed that failure to file an opposition within 30 days would result in a recommendation that this action be dismissed pursuant to Fed. R. Civ. P. 41(b). Plaintiff has not filed an opposition, nor offered an explanation as to his failure to do so.

For the foregoing reasons, IT IS HEREBY RECOMMENDED that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b).

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 days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned

1 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
2 objections shall be filed and served within fourteen days after service of the objections. The
3 parties are advised that failure to file objections within the specified time may waive the right to
4 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 Dated: June 21, 2017



6 CAROLYN K. DELANEY
7 UNITED STATES MAGISTRATE JUDGE

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