1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 AKIKA PARKER, No. 2:16-cv-02140 TLN AC (PS) 12 Plaintiff. 13 FINDINGS AND RECOMMENDATIONS v. 14 DISTRICT ATTORNEY'S OFFICE OF SACRAMENTO, CA, 15 Defendant. 16 17 18 Plaintiff is proceeding in this action pro se. The action was accordingly referred to the 19 undersigned for pretrial matters by E.D. Cal. R. ("Local Rule") 302(c)(21). On November 1, 20 2016, the court dismissed plaintiff's complaint because it named only defendants who are 21 immune from suit. ECF No. 7. The court granted plaintiff 30 days to file an amended complaint. 22 <u>Id.</u> Plaintiff failed to file an amended complaint. On June 7, 2017, this court issued an order to 23 show cause within 14 days why this case should not be dismissed for failure to prosecute. ECF 24 No. 8. Plaintiff filed no response. 25 Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without 26 prejudice, for failure to pay the filing fee, for lack of prosecution and for failure to comply with 27 the court's order. See Olivares v. Marshall, 59 F.3d 109, 112 (9th Cir. 1995) (affirming dismissal 28 for failure to pay partial filing fee under IFP statute); Fed. R. Civ. P. 41(b) (lack of prosecution); 1

Local Rule 110 (failure to comply with court orders). These findings and recommendations are submitted to the United States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days (14) days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Local Rule 304(d). Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). DATED: August 31, 2017 auson Clane UNITED STATES MAGISTRATE JUDGE