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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES LEWIS BOBO,  
Plaintiff,  
v.  
NANCY A. BERRYHILL, Acting  
Commissioner of Social Security,  
Defendant.

No. 2:16-cv-2337-EFB

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Defendant moved to dismiss plaintiff’s complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff was directed to file an opposition or statement of non-opposition to defendant’s motion by August 11, 2017, but failed to do so. *See* ECF No. 16. Accordingly, plaintiff was ordered, by no later than February 2, 2018, to show cause why sanctions should not be imposed for his failure to file an opposition or statement of non-opposition. ECF No. 18. He was also ordered to file an opposition or statement of non-opposition to the pending motion by February 2, 2018, and admonished that failure to do so would result in a recommendation that this action be dismissed for lack of prosecution and/or failure to comply with court orders. *Id.*

The deadline has passed and plaintiff has not filed an opposition or statement of non-opposition to defendant’s motion, nor otherwise responded to the court’s order to show cause.

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Accordingly, it is hereby ORDERED that the Clerk of the Court randomly assign a United States District Judge to this action.

Further, it is hereby RECOMMENDED that this action be dismissed for failure to prosecute and comply with court orders. *See* Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110.

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 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections within the specified time may waive the right to appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

DATED: February 21, 2018.



EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE