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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JARON LUCIEN,  
Plaintiff,  
v.  
WOODEN,  
Defendant.

No. 2:16-cv-2595 WBS DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff alleges he was subjected to cruel and unusual punishment when he was forced to sit in a holding cage until he urinated for urinalysis testing. On February 5, 2019, defendant filed a motion for summary judgment. On March 15, 2019, when plaintiff had not filed an opposition, or anything for that matter, the court ordered plaintiff to file an opposition within twenty days. (ECF No. 45.) The court warned plaintiff that if he failed to file an opposition, this court would recommend dismissal of this action.

On April 8, 2019, plaintiff requested an extension of time to file an opposition. The court granted plaintiff a 45-day extension of time from the date of the order, April 11, 2019. (ECF No. 47.) Those forty-five days have passed and plaintiff has not filed an opposition to the summary judgment motion or otherwise responded to the court’s April 11 order.

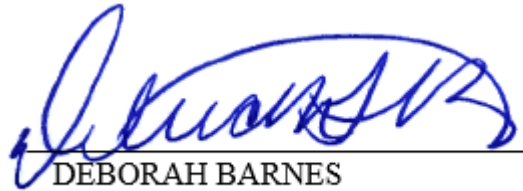
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Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed for plaintiff's failure to prosecute and failure to comply with court orders. See E.D. Cal. R. 110; Fed. R. Civ. P. 41.

These findings and recommendations will be 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, either party may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." The parties are advised that failure to file objections within the specified time may result in waiver of the right to appeal the district court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: June 10, 2019



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DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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