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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SEAN GJERDE,

Plaintiff,

v.

EMPLOYMENT DEVELOPMENT
DEPARTMENT, et al.,

Defendants.

No. 2:17-cv-00062 TLN AC (PS)

FINDINGS AND RECOMMENDATIONS

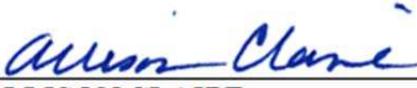
Plaintiff is proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. (“Local Rule”) 302(c)(21). On October 2, 2017, defendants filed a motion to dismiss this case. ECF No. 11. Plaintiff failed to timely respond, and the court issued an order continuing the hearing on the motion and warning plaintiff that failure to respond would result in dismissal of this case for failure to prosecute. ECF No. 18. Plaintiff again failed to respond, and defendants filed a notice of no receipt of opposition. ECF No. 19.

The undersigned held a hearing on the motion to dismiss on November 22, 2017. ECF No. 21. Plaintiff did not appear and filed no papers in opposition to defendants’ motion to dismiss. Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without prejudice, for lack of prosecution and for failure to comply with the court’s order. See Fed. R.

1 Civ. P. 41(b); Local Rule 110.

2 These findings and recommendations are submitted to the United States District Judge
3 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one
4 (21) days after being served with these findings and recommendations, any party may file written
5 objections with the court. Such document should be captioned “Objections to Magistrate Judge’s
6 Findings and Recommendations.” Local Rule 304(d). Failure to file objections within the
7 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951
8 F.2d 1153 (9th Cir. 1991).

9 DATED: November 22, 2017

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11 ALLISON CLAIRE
12 UNITED STATES MAGISTRATE JUDGE
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