UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

KIM EDWARD ROGERS,

Plaintiff,

v.

WESLEY J. FISH, et al.,

Defendants.

No. 2:17-cv-149-JAM-EFB PS

ORDER AND FINDINGS AND RECOMMENDATIONS

On January 17, 2019, the court issued an order setting a status (pretrial scheduling) conference for February 13, 2019, and directing the parties to file a status report within fourteen days of the scheduled conference. Defendants timely filed a status report, but plaintiff failed to do so. Accordingly, the status conference was continued, and plaintiff was ordered to show cause, in writing, by no later than February 27, 2019, why sanctions should not be imposed for failure to comply with the court's January 17, 2019 order. ECF No. 72. Plaintiff was also directed to file his status report by February 27, 2019. *Id*. Plaintiff was admonished that failure to comply with the order may result in a recommendation that this action be dismissed for lack of prosecution and/or failure to comply with court orders. *See* Fed. R. Civ. P. 41(b).

That deadline has passed and plaintiff has not filed his status report, nor has he otherwise responded to the court's order to show cause. Accordingly, it is hereby ORDERED that the March 13, 2019, status (pretrial scheduling) conference is vacated.

Further, it is RECOMMENDED that this action be dismissed for failure to prosecute and failure to 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)(l). 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: March 12, 2019.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE