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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRIAN HOGUE,

Plaintiff,

v.

SACRAMENTO POLICE
DEPARTMENT, et al.,

Defendants.

No. 2:17-cv-0434-MCE-EFB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On January 7, 2020, the City of Sacramento filed a motion to compel, ECF No. 25, and on February 5, 2020, the City of Sacramento filed a motion to compel deposition or for terminating sanctions, ECF No. 26. The time for acting passed, and plaintiff failed to file an opposition or otherwise respond to either motion.

On February 14, 2020, and March 6, 2020, the court warned plaintiff that failure to respond to the motions could result in a recommendation that this action be dismissed. *See* Fed. R. Civ. P. 41(b). The court also granted plaintiff a 21-day extension of time to respond to each motion. ECF Nos. 27, 28.


The time for acting has once again passed and plaintiff has not filed an opposition, a statement of no opposition, or otherwise responded to either of the court’s order. Plaintiff has

1 disobeyed this court's orders and failed to prosecute this action. The appropriate action is
2 dismissal without prejudice.

3 Accordingly, it is hereby RECOMMENDED that this action be dismissed without
4 prejudice. See Fed. R. Civ. P. 41(b); E.D. Cal. Local Rule 110.

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
7 after being served with these findings and recommendations, any party may file written
8 objections with the court and serve a copy on all parties. Such a document should be captioned
9 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
10 within the specified time may waive the right to appeal the District Court's order. *Turner v.*
11 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

12 Dated: April 6, 2020.

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15 EDMUND F. BRENNAN
16 UNITED STATES MAGISTRATE JUDGE
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