

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

OTHELLO C.M. JOHNSON,  
Plaintiff,  
v.  
ANNE MARIE SCHUBERT, et al.,  
Defendants.

No. 2:17-cv-0666 JAM 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 June 13, 2017, the court dismissed the complaint, and granted plaintiff 30 days to file an amended complaint. ECF No. 3. Plaintiff was cautioned that failure to do so could lead to a recommendation that the action be dismissed. After plaintiff failed to respond, the court issued a recommendation that this case be dismissed for lack of prosecution. ECF No. 4. Plaintiff subsequently requested an extension of time to file an amended complaint. ECF No. 5. The court granted plaintiff an extension for 30 days, and withdrew the recommendation for dismissal with the warning that failure to submit an amended complaint before the new deadline may result in a recommendation of dismissal. ECF No. 6. Plaintiff has taken no further action in this case.

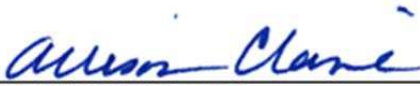
Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without prejudice, for lack of prosecution and for failure to comply with the court’s order. See Fed. R.

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, plaintiff 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). Plaintiff is advised that failure to file  
7 objections within the specified time may waive the right to appeal the District Court’s order.

8 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

9 DATED: August 24, 2017

10   
11 \_\_\_\_\_  
12 ALLISON CLAIRE  
13 UNITED STATES MAGISTRATE JUDGE  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28