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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONYA ENGELBRECHT,
Plaintiff,
v.
KERN COUNTY TAX ASSESSOR,
Defendant.

No. 2:17-cv-01229 KJM 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 16, 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. Plaintiff responded with a request for the case to be heard (ECF No. 4) which the court dismissed for failure to comply with the rules of this court and the court’s prior order (ECF No. 5). Plaintiff was granted another 30 days to file an amended complaint. Id. Plaintiff did not respond. On August 22, 2017 the court issued an order to show cause within 14 days why this case should not be dismissed for failure to prosecute. ECF No. 6. Plaintiff has not respond to the court’s order, nor taken any action to prosecute 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: September 12, 2017

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11 ALLISON CLAIRE
12 UNITED STATES MAGISTRATE JUDGE
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