

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

DANNIE JAMES,
Plaintiff,
v.
J. PRICE, et al.,
Defendants.

No. 2:17-cv-1433 MCE CKD P

FINDINGS AND RECOMMENDATIONS

On January 28, 2019, the court directed plaintiff to file a response to defendant Austin’s motion to compel within 14 days and warned plaintiff that failure to do so would result in a recommendation that this action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff has not responded to the court’s order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Fed. R. Civ. P. 41(b).

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)(1). 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.” Any response to the objections shall be served and filed within fourteen days after service of the objections. The

1 parties are advised that failure to file objections within the specified time may waive the right to
2 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 Dated: February 26, 2019



4 _____
5 CAROLYN K. DELANEY
6 UNITED STATES MAGISTRATE JUDGE

7

8

9

1
jame1433.dis

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28