1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 JOSE DEJESUS RODRIGUEZ, No. 2:17-cv-01479 JAM AC PS 12 Plaintiff. 13 **FINDINGS AND RECOMMENDATIONS** v. 14 JOYCE SAMPSOM, 15 Defendant. 16 17 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). 18 19 On April 5, 2018, the court dismissed the complaint, and granted plaintiff 30 days to file 20 an amended complaint. ECF No. 17. Plaintiff was cautioned that failure to do so could lead to a 21 recommendation that the action be dismissed. Plaintiff did not respond. On May 14, 2018 the 22 court issued an order to show cause why this case should not be dismissed for failure to 23 prosecute. ECF No. 18. Plaintiff has not respond to the court's orders, nor taken any action to prosecute this case. 24 25 Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without 26 prejudice, for lack of prosecution and for failure to comply with the court's order. See Fed. R. 27 Civ. P. 41(b); Local Rule 110. 28 //// 1

These findings and recommendations are submitted to the United States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21) days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Local Rule 304(d). Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). DATED: May 30, 2018 UNITED STATES MAGISTRATE JUDGE