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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY S. FARR, SR.,
Plaintiff,
v.
IN-SHAPE HEALTH CLUBS, LLC et al.,
Defendants.

No. 2:17-cv-01871-JAM-GGH

FINDINGS AND RECOMMENDATIONS

PROCEDURAL BACKGROUND

Plaintiff is proceeding pro se in this civil action. On October 10, 2017 the magistrate judge issued an Order to Show Cause for plaintiff to explain why he had not filed either an Opposition or a Statement of Non-Opposition to defendants’ Motion to Dismiss filed on September 14, 2017. ECF No. 9. On November 6, 2017 plaintiff responded to the Order to Show Cause, ECF No. 11, and the Court vacated the Order on the same day. ECF No. 10. On November 15, 2017 the magistrate issued an Order that directed plaintiff to file an Opposition or a Statement of Non-Opposition to defendants’ pending Motion to Dismiss pursuant to the Local Rules of this District within 30 days from the date of the Order. ECF No. 14. Plaintiff was warned that failure to follow the directive of the Order would result in dismissal of the case. ECF No. 14. Plaintiff filed neither of the alternatively required documents.

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In light of the foregoing IT IS HEREBY RECOMMENDED that:

1. Plaintiff’s complaint be dismissed with prejudice for failure to prosecute and failure to obey a court order. Fed. R. Civ. Proc. 41(b); and
2. The Clerk of the Court should close this file.

This Recommendation is 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 (14) days after being served with these findings and recommendations, any party may file written objections with the court. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” 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: December 19, 2017

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE