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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEIRON M. ELIAS,
Plaintiff,
v.
J. KINROSS, et al.,
Defendants.

No. 2:17-cv-02106 WBS DB P

ORDER AND FINDINGS &
RECOMMENDATIONS

By order filed July 12, 2023, this court directed plaintiff to file a pretrial statement on or before September 20, 2023. By order of the same date, plaintiff was warned that failure to file a pretrial statement could result in the imposition of sanctions, including dismissal of this action. Plaintiff has not filed a pretrial statement and has not otherwise responded to the court’s order. It is therefore recommended that this action be dismissed without prejudice. See Fed. R. Civ. P. 16(f); Local Rule 110.

In accordance with the above, IT IS HEREBY ORDERED as follows:

- 1. Defendant is relieved from filing a pretrial statement.
- 2. The pretrial conference to be conducted on the file is vacated; and


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1 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See
2 Fed. R. Civ. P. 16(f); Local Rule 110.

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court and serve a copy on all parties. Such a document should be captioned
7 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
8 objections shall be filed and served within fourteen days after service of the objections. The
9 parties are advised that failure to file objections within the specified time may waive the right to
10 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

11 Dated: September 27, 2023

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16 DEBORAH BARNES
17 UNITED STATES MAGISTRATE JUDGE
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