



1 was also admonished that failure to comply with that order could result in dismissal of this action  
2 for lack of prosecution and/or failure to comply with court orders. *Id.*

3 On October 15, 2018, instead of filing a response to defendants' motions and the court's  
4 order to show cause, plaintiff filed a request for an extension of time to respond to defendants'  
5 motions. ECF No. 51. Plaintiff claimed that additional time was needed because he was  
6 scheduled to begin a 40-day sentence in the Placer County Jail on October 8, 2018. In light of  
7 plaintiff's pro se status and inability to attend the scheduled hearing, the request was granted and  
8 the hearing on defendants' motions was continued to December 12, 2018. Plaintiff was directed  
9 to file an opposition or statement of non-opposition to the motions by no later than November 28,  
10 2018, and admonished that the court was not inclined to grant any further extensions of time.

11 The deadline has passed and plaintiff has once again not filed an opposition or statement  
12 of non-opposition to the pending motions.

13 Accordingly, it is hereby ORDERED that the December 12, 2018 hearing on defendants'  
14 motions to dismiss and the January 23, 2019 Initial Scheduling Conference are vacated.

15 Further, it is RECOMMENDED that this action be dismissed for failure to prosecute and  
16 to comply with court orders and the court's local rules. *See* Fed. R. Civ. P. 41(b); E.D. Cal. L.R.  
17 110.

18 These findings and recommendations are submitted to the United States District Judge  
19 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
20 after being served with these findings and recommendations, plaintiff may file written objections  
21 with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings  
22 and Recommendations." Failure to file objections within the specified time may waive the right  
23 to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998);  
24 *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

25 DATED: December 4, 2018.

26   
27 EDMUND F. BRENNAN  
28 UNITED STATES MAGISTRATE JUDGE