UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

GLORIA RUZ,

Plaintiff,

v.

JEFF B. SESSIONS, Attorney General, et al.,

Defendants.

No. 2:17-cv-2483 JAM AC PS

FINDINGS AND RECOMMENDATIONS

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).

On November 27, 2017, plaintiff commenced this action by filing a complaint and paying the required filing fee. ECF No. 1. An initial scheduling conference was set for May 23, 2018 before the undersigned. ECF No. 3. However, the parties failed to submit their status reports fourteen days prior to the hearing pursuant to Local Rule 240(b). Moreover, plaintiff failed to show proof that defendants had been served with the complaint pursuant to Fed. R. Civ. Proc. ("Rule") 5(d). Accordingly, the court issued an order vacating the hearing and ordering plaintiff to show cause why this cause should not be dismissed for failure to prosecute. ECF No. 4.

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Plaintiff was also cautioned that failure to do so could lead to a recommendation that the action be dismissed. Plaintiff has not responded to the court's orders, nor taken any action to prosecute this case.

Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without prejudice, for lack of prosecution and for failure to comply with the court's order. See Fed. R. Civ. P. 41(b); Local Rule 110.

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)(l). 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: June 5, 2018

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE