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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DYLAN SCOTT CORRAL,
Plaintiff,
v.
WARREN, et al.,
Defendants.

No. 2:18-cv-0024 TLN CKD P

FINDINGS AND RECOMMENDATIONS

A settlement conference was held in this matter on March 14, 2022 and the case was conditionally settled. One of the terms of settlement was the parties submit dismissal documents within 90 days. Counsel for the remaining defendants indicates they cannot locate plaintiff so dismissal documents cannot be filed. They ask that this matter be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b). Under that rule the court may dismiss if, among other things, the plaintiff fails to prosecute or fails to comply with a court order. Generally, a dismissal under Rule 41(b) “operates as an adjudication on the merits.” After reviewing relevant parts of the record, the court finds dismissal with prejudice pursuant to Rule 41(b) appropriate.


Accordingly, IT IS HEREBY RECOMMENDED that:

1. Defendants’ September 1, 2022 request for dismissal be granted; and
2. This matter be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b).

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These findings and recommendations are 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 days after being served with these findings and recommendations, either may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time waives the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: October 4, 2022



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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