

1 without prejudice for failure to prosecute. ECF No. 24.

2 On June 4, 2018, plaintiff filed a motion for a 30 day extension of time to respond to
3 defendant's motion to dismiss. ECF No. 26. The body of plaintiff's filing indicates that plaintiff
4 may have intended it to be a motion for an extension of time to file objections to the court's
5 findings and recommendations. Id. at 2. Although plaintiff has not shown good cause for his
6 delay, in the interest of resolving this case on the merits and in consideration of judicial economy,
7 the court will WITHDRAW its findings and recommendations at ECF No. 24 and re-set the
8 hearing on defendant's motion to dismiss (ECF No. 4). Plaintiff's failure to timely respond to the
9 motion to dismiss will be construed as a statement of non-opposition and may result in sanctions.

10 In conclusion, it is hereby ORDERD that:

- 11 1. The findings and recommendations at ECF No. 24 are withdrawn;
- 12 2. A hearing on defendant County of San Joaquin's motion to dismiss (ECF No. 4) is set
13 on July 11, 2018 at 10:00 AM in Courtroom 26 (AC) before Magistrate Judge Allison
14 Claire;
- 15 3. In accordance with the new hearing date, plaintiff must file his opposition to
16 defendant's motion no later than June 27, 2018. Plaintiff's failure to respond will be
17 construed as a statement of non-opposition; and
- 18 4. Plaintiff is cautioned that his failure to abide by this court order may result in
19 sanctions, up to and including dismissal of his case.

20 DATED: June 6, 2018

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22 ALLISON CLAIRE
23 UNITED STATES MAGISTRATE JUDGE
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