UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY NASSOR,

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION,

Defendant.

No. 2:18-cv-00250 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 May 3, 2018, defendant moved to dismiss plaintiff's case. ECF No. 9. The hearing was scheduled for June 13, 2018. Id. Plaintiff failed to respond to the motion, but filed a Second Amended Complaint. ECF No. 10. Defendant opposed the unauthorized Second Amended Complaint. ECF No. 11. On June 1, 2018, the court issued an order re-setting the hearing to June 20, 2018 and requiring plaintiff to file an opposition or statement of non-opposition to defendant's motion by June 6, 2018. ECF No. 12 at 2. Plaintiff was also ordered to show cause why his case should not be dismissed for failure to prosecute. Id. The court warned plaintiff that failure to file an opposition to the pending motion would be deemed as a statement of non-opposition and "shall result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b)."

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ECF No. 12. Plaintiff has not respond 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. The hearing currently set for June 20, 2018 is hereby VACATED.

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, any party may file written objections with the court. Such document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Local Rule 304(d). 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 11, 2018

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE