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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	KEVIN LANE,	No. 2:18-cv-0310 KJM DB PS
12	Plaintiff,	
13	v.	ORDER AND FINDINGS AND RECOMMENDATIONS
14	WELLS FARGO BANK, N.A.; FEDERAL HOME LOAN MORTGAGE	
15	CORPORATION,	
16	Defendants.	
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18	Plaintiff Kevin Lane is proceeding in this action pro se. This matter was referred to the	
19	undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). By order filed	
20	July 13, 2018, plaintiff's complaint was dismissed and plaintiff was granted twenty-eight days to	
21	file an amended complaint. (ECF No. 16.) The twenty-eight day period has expired, and plaintiff	
22	has not responded to the court's order in any manner.	
23	Due to plaintiff's failure to file an amended complaint, defendants filed a motion to	
24	dismiss. (ECF No. 17.) Defendants' motion to dismiss is noticed for hearing before the	
25	undersigned on October 26, 2018. (ECF No. 17.) In light of these findings and	
26	recommendations, defendants' motion to dismiss will be denied without prejudice to renewal as	
27	having been rendered moot.	
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1 Accordingly, IT IS HEREBY ORDERED that: 2 1. Defendants' September 19, 2018 motion to dismiss (ECF No. 17) is denied without prejudice as having been rendered moot¹; and 3 2. The October 26, 2018 hearing of defendants' motion to dismiss is vacated. 4 5 Also, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. 6 See Local Rule 110; Fed. R. Civ. P. 41(b). 7 These findings and recommendations are submitted to the United States District Judge 8 9 10 11 "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections 12

assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned

shall be served and filed within seven days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District

UNITED STATES MAGISTRATE JUDGE

Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: September 20, 2018

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If these findings and recommendations are not adopted in full by the assigned District Judge, defendants may re-notice the motion to dismiss for hearing before the undersigned.