UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICIA LYNN SMITH and GLENN FORD DEARY, II,

Plaintiffs,

v.

WESTWOOD VISTAS, et al.,

Defendants.

No. 2:18-cv-00473 JAM AC (PS)

FINDINGS AND RECOMMENDATIONS

Plaintiffs are proceeding in this action pro se and in forma pauperis. The action was referred to the undersigned for pretrial matters by E.D. Cal. R. ("Local Rule") 302(c)(21). On November 30, 2018, the court screened the complaint, found it inadequate to be served, and ordered plaintiffs to file an amended complaint within 30 days. ECF No. 8. Plaintiffs moved for and were granted an extension of time, and were instructed to file their amended complaint no later than March 11, 2019. ECF Nos. 9, 10. Plaintiffs were cautioned that failure to do so could lead to a recommendation that the action be dismissed. Plaintiffs did not file an amended complaint, and the court issued an order to show cause within 14 days why the case should not be dismissed for failure to prosecute on March 13, 2019. ECF No. 11. Plaintiffs have not responded to the court's order nor taken any action to prosecute this case.

Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without

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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, plaintiffs may file written objections with the court. Such document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Local Rule 304(d). Plaintiffs are 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: March 29, 2019

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE