

1 without prejudice, as appropriate, if a party disobeys an order or the Local Rules. *See Ferdik v.*
2 *Bonzelet*, 963 F.2d 1258, 1263 (9th Cir. 1992) (district court did not abuse discretion in
3 dismissing pro se plaintiff's complaint for failing to obey an order to re-file an amended
4 complaint to comply with Federal Rules of Civil Procedure); *Carey v. King*, 856 F.2d 1439,
5 1440-41 (9th Cir. 1988) (dismissal for pro se plaintiff's failure to comply with local rule
6 regarding notice of change of address affirmed).

7 Accordingly, it is hereby ORDERED that the Clerk is directed to randomly assign a
8 United States District Judge to this case.

9 Further, it is RECOMMENDED that this action be DISMISSED without prejudice. Fed.
10 R. Civ. P. 41(b); E. D. Cal. Local Rule 110.

11 These findings and recommendations are submitted to the United States District Judge
12 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
13 after being served with these findings and recommendations, any party may file written
14 objections with the court and serve a copy on all parties. Such a document should be captioned
15 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
16 objections shall be served and filed within fourteen days after service of the objections. The
17 parties are advised that failure to file objections within the specified time may waive the right to
18 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
19 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

20 Dated: October 2, 2018.

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22 EDMUND F. BRENNAN
23 UNITED STATES MAGISTRATE JUDGE
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