UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL HERNANDEZ,

Plaintiff,

v.

CITY OF STOCKTON, et al.,

Defendants.

No. 2:18-cv-1316-JAM-EFB PS

ORDER AND FINDINGS AND RECOMMENDATIONS

After this case was referred to the undersigned, the court issued an order setting a status conference on November 20, 2019. ECF No. 37. The order also directed the parties to file, by no later than November 6, 2019, status reports addressing the future scheduling of the case. *Id*. Defendants timely filed a joint status report (ECF No. 39), but plaintiff failed to file a status report. Accordingly, the status conference was continued, and plaintiff was ordered, by no later than December 4, 2019, to file a status report and to show cause why sanctions should not be imposed for his failure to file a status report. ECF No. 40. Plaintiff was also admonished that failure to comply with the order could result in the imposition of sanctions, including a recommendation that this action be dismissed for failure to prosecute and/or comply with court orders. *Id*. at 2.

The deadline has passed and plaintiff has not filed a status report, nor has he otherwise responded to the court's order to show cause.

Accordingly, it is hereby ORDERED that the December 18, 2019 scheduling conference is vacated.

Further, it is RECOMMENDED that this action be dismissed for failure to prosecute and to comply with court orders. *See* Fed. R. Civ. P. 41(b); Cal. E.D. L.R. 110.

These findings and recommendations are submitted to the United States District Judge 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, plaintiff may file written objections with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections within the specified time may waive the right to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

DATED: December 12, 2019

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE