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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DE'VON-SAMUEL JAMES-  
SINGLETON PERKINS,  
  
  Plaintiff,  
  
  v.  
  
O'REILLY, *et al.*,  
  
  Defendants.

Case No. 2:18-cv-01827-TLN-JDP (PC)  
  
FINDINGS AND RECOMMENDATIONS  
THAT THIS ACTION BE DISMISSED FOR  
FAILURE TO PROSECUTE, FAILURE TO  
COMPLY WITH COURT ORDERS, AND  
FAILURE TO COMPLY WITH LOCAL  
RULES  
  
OBJECTIONS DUE WITHIN FOURTEEN  
DAYS

On July 2, 2021, defendant Soltanian-Zadeh filed a motion for summary judgment. ECF No. 73. In violation of Local Rule 230(1), plaintiff failed to timely file an opposition or statement of non-opposition. Accordingly, on September 16, 2021, I ordered plaintiff to show cause within twenty-one days why this action should not be dismissed for failure to prosecute and for failure to comply with the court's local rules. ECF No. 76. I notified him that if he wished to continue this lawsuit, he needed to file, within twenty-one days, an opposition or statement of non-opposition to respondent's motion. *Id.* I also warned him that failure to comply with the October 27 order would result in a recommendation that this action be dismissed.

Then, on September 30, 2021, defendant O'Reilly filed a motion for summary judgment. To date, plaintiff has not responded to either that motion, defendant Soltanian-Zadeh's motion, or the September 16, 2021 order.

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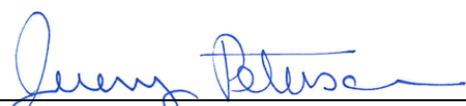
Accordingly, it is hereby RECOMMENDED that:

1. This action be dismissed for failure to prosecute, failure to comply with court orders, and failure to comply with the court’s local rules.
2. The Clerk of Court be directed to close the case.

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)(1). 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 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be served and filed within fourteen 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 Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: December 6, 2021

  
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JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE