UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MONICA STAAR

Plaintiff,

v.

GARY DOUGLAS ELDER,

Defendant.

No. 2:18-cv-02079 KJM AC PS

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. ("Local Rule") 302(c)(21). On October 10, 2018, the court denied plaintiff's in forma pauperis ("IFP") application, and granted plaintiff 30 days to file a renewed IFP application. ECF No. 3. Plaintiff was cautioned that failure to do so could lead to a recommendation that the action be dismissed. Plaintiff did not file a renewed IFP application in proper form, or pay the filing fee. On November 15, 2018 the court issued an order to show cause why this case should not be dismissed for failure to prosecute. ECF No. 5. Plaintiff has not responded to the court's orders, nor taken any action to prosecute this case.

Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without 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, plaintiff may file written objections with the court. Such document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Local Rule 304(d). Plaintiff is 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: November 30, 2018

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE