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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDRE ROYSTER and CHRIS LEGAL,  
SR.,

Plaintiffs,

v.

CITY OF SACRAMENTO, et al.,

Defendants.

No. 2:18-cv-02713 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 15, 2018, the court denied plaintiffs’ motion to proceed in forma pauperis, and granted plaintiffs 30 days to either renew the application or pay the filing fee. ECF No. 6. Plaintiff was cautioned that failure to do so could lead to a recommendation that the action be dismissed. Plaintiff did not respond. On November 14, 2018 the court issued an order to show cause why this case should not be dismissed for failure to prosecute. ECF No. 12. Plaintiffs have 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.

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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)(1). 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 29, 2018

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE