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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CYNTHIA L. JOURDAN,
Plaintiff,
v.
SETERUS, INC.,
Defendant.

No. 2:19-cv-00053 JAM AC (PS)

ORDER AND 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). This case was removed from state court on January 8, 2019. ECF No. 1. On January 15, 2019, defendant filed a motion for a more definite statement. ECF No. 6. Plaintiff did not timely respond. On February 8, 2019, the undersigned re-scheduled the hearing on defendant’s motion to give plaintiff a chance to respond. ECF No. 8. Plaintiff was cautioned that failure to respond would lead to a recommendation that the action be dismissed for failure to prosecute. *Id.* at 2. Plaintiff has not responded to the court’s orders, nor taken any action to prosecute this case.

Because the undersigned recommends dismissal of this case for failure to prosecute, it is **HEREBY ORDERED** that defendant’s motion (ECF No. 6) is vacated without prejudice as **MOOT**.

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1 Further, IT IS HEREBY RECOMMENDED that this action be dismissed, without
2 prejudice, for lack of prosecution and for failure to comply with the court's order. See Fed. R.
3 Civ. P. 41(b); Local Rule 110.

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21)
6 days after being served with these findings and recommendations, any party may file written
7 objections with the court. Such document should be captioned "Objections to Magistrate Judge's
8 Findings and Recommendations." Local Rule 304(d). Failure to file objections within the
9 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
10 F.2d 1153 (9th Cir. 1991).

11 DATED: February 14, 2019

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13 ALLISON CLAIRE
14 UNITED STATES MAGISTRATE JUDGE
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