

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LLOYD DYLAN JONES,

 Plaintiff,

 v.

PLACER COUNTY SHERIFF’S OFFICE,
et al.,

 Defendants.

Case No. 2:19-cv-00342-MCE-JDP (PC)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE AND FAILURE
TO COMPLY WITH COURT ORDERS

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On September 28, 2020, the court informed plaintiff that he could proceed on the fourth amended complaint’s viable Eighth and Fourteenth Amendment claims against defendants Gualco and Tredinnick and Eighth Amendment claim against defendant County of Placer. ECF No. 28. All other claims were dismissed with leave to amend. *Id.* at 6-7. Plaintiff was ordered to file, within thirty days, a notice of election advising the court whether he elects to proceed with the viable claims or file an amended complaint. *Id.* at 7-8. After plaintiff failed to comply with that order, he was ordered to show cause why this action should not be dismissed for failure to prosecute and for failure to comply with court orders.

In response, plaintiff filed a motion to amend the complaint. ECF No. 31. That motion was granted, the order to show cause was discharged, and plaintiff was ordered to file a fifth amended complaint by January 18, 2021. ECF No. 32. Plaintiff, however, never filed a fifth

1 amended complaint. Accordingly, on February 18, 2021 order, he was ordered to show cause,
2 within twenty-one days, why this action should not be dismissed for failure prosecute and failure
3 to comply with the court's order requiring him to file a fifth amended complaint. Plaintiff was
4 notified that if he wished to continue with this lawsuit, he must file an amended complaint. He
5 was also warned that failure to comply with the February 18 order would result in a
6 recommendation that this action be dismissed.

7 The deadline has passed, and plaintiff has not filed an amended complaint nor otherwise
8 responded to the February 18, 2021 order. Accordingly, it is hereby RECOMMENDED that:

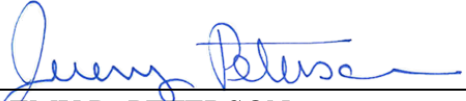
9 1. This action be dismissed for failure to prosecute and for failure to comply with court
10 orders.

11 2. The Clerk of Court be directed to close the case.

12 These findings and recommendations are submitted to the United States District Judge
13 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
14 after being served with these findings and recommendations, any party may file written
15 objections with the court and serve a copy on all parties. Such a document should be captioned
16 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
17 objections shall be served and filed within fourteen days after service of the objections. The
18 parties are advised that failure to file objections within the specified time may waive the right to
19 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
20 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

21 IT IS SO ORDERED.

22
23 Dated: April 22, 2021

24 
25 JEREMY D. PETERSON
26 UNITED STATES MAGISTRATE JUDGE
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28