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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEITH MICHAEL CASSELLS,  
Plaintiff,  
v.  
BALRAJ SINGH DHILLON,  
Defendant.

Case No. 2:19-cv-00644-KJM-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 November 6, 2020, defendant filed a motion to dismiss plaintiff's first amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF No. 23. In violation of Local Rule 230(l), plaintiff failed to timely file a response to defendant's motion. Accordingly, on January 22, 2021, plaintiff was ordered 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. 24. Plaintiff was notified that if he wished to continue this lawsuit, he also needed to file, within twenty-one days, a response to defendant's motion. He was warned that failure to comply with the court's January 22, 2021 order would result in a recommendation that this action be dismissed.

1 The deadline has passed, and plaintiff has not filed an opposition or statement of non-  
2 opposition to defendant's motion nor otherwise responded to the January 22, 2021 order.<sup>1</sup>

3 Accordingly, it is hereby RECOMMENDED that:

4 1. This action be dismissed for failure to prosecute, failure to comply with court orders,  
5 and failure to comply with the court's local rules.

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

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

16  
17 IT IS SO ORDERED.

18 Dated: April 6, 2021

19   
20 JEREMY D. PETERSON  
21 UNITED STATES MAGISTRATE JUDGE

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23  
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26 <sup>1</sup> Although the docket reflects that plaintiff's copy of the January 22, 2021 order was  
27 returned, plaintiff was properly served. It is the plaintiff's responsibility to keep the court  
28 apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents  
at the record address of the party is fully effective.

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