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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	FLOYD SEALY,	Case No. 2:19-cv-01205-TLN-JDP (PC)
12	Plaintiff,	FINDINGS AND RECOMMENDATIONS
13	v.	THAT THIS ACTION BE DISMISSED FOR FAILURE TO PROSECUTE AND FAILURE
14	AVILA, et al.,	TO COMPLY WITH COURT ORDERS
15	Defendants.	OBJECTIONS DUE WITHIN FOURTEEN DAYS
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17	Plaintiff previously filed a motion to modify the scheduling order, ECF No. 40, and,	
18	shortly thereafter, defendants filed motions for summary judgment, ECF Nos. 41 & 44. On	
19	June 7, 2022, I denied plaintiff's motion to modify the scheduling order and directed him to file,	
20	by no later than June 28, 2022, either an opposition or a statement of non-opposition to	
21	defendants' motions. ECF No. 45. Plaintiff failed to comply with that order.	
22	Accordingly, on July 8, 2022, I ordered plaintiff to show cause within twenty-one days	
23	why this action should not be dismissed for failure to prosecute and for failure to comply with	
24	court orders. ECF No. 46. I notified him that if he wished to continue this lawsuit, he needed to	
25	file, within twenty-one days, an opposition or statement of non-opposition to defendants'	
26	motions. Id. I also warned him that failure to comply with that order would result in a	
27	recommendation that this action be dismissed. <i>Id</i> .	
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1	The deadline has passed, and plaintiff has not filed an opposition to defendants' motions	
2	nor otherwise responded to the July 8, 2022 order. Accordingly, it is hereby RECOMMENDED	
3	that:	
4	1. This action be dismissed for failure to prosecute and failure to comply with court	
5	orders.	
6	2. Defendants' motions for summary judgment, ECF Nos. 41 & 44, be denied as moot.	
7	3. The Clerk of Court be directed to close the case.	
8	I submit these findings and recommendations to the district judge under 28 U.S.C.	
9	§ 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States District Court,	
10	Eastern District of California. The parties may, within 14 days of the service of the findings and	
11	recommendations, file written objections to the findings and recommendations with the court.	
12	Such objections should be captioned "Objections to Magistrate Judge's Findings and	
13	Recommendations." The district judge will review the findings and recommendations under 28	
14	U.S.C. § 636(b)(1)(C).	
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16	IT IS SO ORDERED.	
17	Dated: August 1, 2022	
18	JEREMY D. PETERSON	
19	UNITED STATES MAGISTRATE JUDGE	
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