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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERALD ANTHONY ORTEGA,
Plaintiff,
v.
LYNN,
Defendant.

No. 2:19-cv-02028 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. By order dated November 23, 2020, the court ordered plaintiff to file a pleading which provided the full names of defendants “Nurse Lynn Doe” and “Dr. Doe No. 1” to the court. (ECF No. 8.) Plaintiff was given thirty days leave to file such a pleading. (*Id.* at 9.) Plaintiff was warned that failure to abide by the court’s order would result in a recommendation that this action be dismissed. (*Id.*) Following this order, plaintiff moved to be granted limited preliminary discovery. (ECF No. 11.) On January 5, 2021, this order was denied as premature and plaintiff was granted a thirty-day extension to file a pleading which provided the defendant’s full names. (ECF No. 12.) Plaintiff was granted an additional ninety-day extension on January 25, 2021. (ECF No. 14.) During this extension of time, the court denied plaintiff’s request for subpoena as it failed to specify the documents sought. (ECF No. 16.)

The ninety days granted by the court’s January 25, 2021 order have passed. Plaintiff has not filed a pleading which provides the full names of the defendants or requested additional time

1 to file any of these documents. Accordingly, the court will recommend that this action be
2 dismissed for failure to prosecute and failure to comply with court orders.

3 For the reasons state above, the Clerk of the Court is ORDERED to randomly assign a
4 district judge to this action.

5 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See
6 Local Rule 110; Fed. R. Civ. P. 41(b).

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 thirty days after
9 being served with these findings and recommendations, plaintiff may file written objections with
10 the court and serve a copy on all parties. Such a document should be captioned
11 “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that
12 failure to file objections within the specified time may waive the right to appeal the District
13 Court’s order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

14 Dated: December 7, 2021

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17 DEBORAH BARNES
18 UNITED STATES MAGISTRATE JUDGE
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