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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	JOSE VELEZ,	No. 2:19-cv-2410 KJM DB PS
12	Districted	
13	Plaintiff,	ORDER AND DECOMMEND ATIONS
14	V.	FINDINGS AND RECOMMENDATIONS
15	HARRY LUONG, et al.,	
16	Defendants.	
17		
18	Plaintiff Jose Velez is proceeding in this action pro se. This matter was, therefore,	
19	referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1).	
20	(ECF No. 29.) On January 29, 2020, defendant Ramon Soltero filed an answer. (ECF No. 4.)	
21	On February 6, 2020, defendant Harry Luong filed a motion to dismiss. (ECF No. 7.) The	
22	motion to dismiss is noticed for hearing before the undersigned on May 8, 2020. (ECF No. 10.)	
23	On March 5, 2020, the undersigned issued an order to show cause due to plaintiff's failure	
24	to file an opposition or a statement of non-opposition to defendant's motion to dismiss. (ECF No.	
25	8.) On March 6, 2020, plaintiff filed a notice of voluntary dismissal of defendant Harry Luong.	
26	(ECF No. 9.)	
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Accordingly, IT IS HEREBY ORDERED that: 1. Defendant's February 6, 2020 motion to dismiss (ECF No. 7) is denied without prejudice to renewal as having been rendered moot; and 2. The May 8, 2020 hearing of defendant's motion to dismiss is vacated. Also, IT IS HEREBY RECOMMENDED that defendant Harry Luong be dismissed from this action. These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections shall be served and filed within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). Dated: April 15, 2020 UNITED STATES MAGISTRATE JUDGE DLB:6 DB/orders/orders.pro se/velez2410.vol.dism.f&rs