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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MIGUEL SANCHEZ,

 Plaintiff,

 v.

TAMARA TABER, *et al.*

 Defendants.

Case No. 2:20-cv-00946-JDP (PC)

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

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On September 28, 2020, the previously assigned magistrate judge screened plaintiff’s complaint, dismissed it for failure to state a claim, and granted plaintiff thirty days to file an amended complaint. ECF No. 13. Plaintiff failed to timely file an amended complaint. Accordingly, on November 5, 2020, he was ordered to show cause within thirty days why this action should not be dismissed for failure to prosecute and failure to state a claim. ECF No. 17. Plaintiff was warned that failure to respond to the court’s order could result in dismissal of this action. *Id.* at 2. To date, plaintiff has not filed an amended complaint, nor otherwise responded to the court’s November 5, 2020 order.

Accordingly, it is ORDERED that the Clerk of Court shall randomly assign a United States District Judge to this case.

1 Further, it is RECOMMENDED that:

2 1. This action be dismissed without prejudice for failure to prosecute, failure to comply
3 with court orders, and for failure to state a claim as set forth in the September 28, 2020 order. *See*
4 ECF No. 13.

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

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

15
16 IT IS SO ORDERED.

17 Dated: December 18, 2020



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

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