

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE MICHEL WYNN,

 Plaintiff,

 v.

PETERSON,

 Defendant.

No. 2:20-cv-02342 JAM AC PS

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding pro se, and this action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. (“Local Rule”) 302(c)(21). On August 27, 2021, defendant filed a motion to dismiss this case. ECF No. 28. Plaintiff did not respond. Concerned that plaintiff had abandoned this case, the court issued an order to show cause by October 14, 2021 why this action should not be dismissed for failure to prosecute. ECF No. 30. Plaintiff was cautioned that failure respond could lead to a recommendation that the action be dismissed. Plaintiff again did not respond. Plaintiff has not responded to the court’s orders, nor taken any action to prosecute this case.

Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without prejudice, for lack of prosecution and for failure to comply with the court’s order. See Fed. R. Civ. P. 41(b); Local Rule 110.

These findings and recommendations are submitted to the United States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one

1 (21) days after being served with these findings and recommendations, plaintiff may file written
2 objections with the court. Such document should be captioned "Objections to Magistrate Judge's
3 Findings and Recommendations." Local Rule 304(d). Plaintiff is advised that failure to file
4 objections within the specified time may waive the right to appeal the District Court's order.
5 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: October 19, 2021

7 
8 ALLISON CLAIRE
9 UNITED STATES MAGISTRATE JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28