1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA 8 9 10 ROBBIE D. WHITE, No. 2:20-cv-02383 MCE AC PS 11 Plaintiffs, 12 ORDER and v. 13 CITY AND COUNTY OF WEST FINDINGS AND RECOMMENDATIONS SACRAMENTO, et al., 14 Defendants. 15 16 17 Plaintiff is proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. ("Local Rule") 302(c)(21). On October 6, 2021, 18 19 defendants filed a motion to dismiss this case. ECF No. 30. The motion was set to be heard on 20 December 1, 2021 via Zoom. ECF No. 36. Plaintiff did not respond to the motion. Concerned 21 that plaintiff had abandoned this case, the court issued an order continuing the hearing to 22 December 8, 2021 and instructing the plaintiff to file an opposition or statement of non-23 opposition no later than November 24, 2021. ECF No. 39. The court informed plaintiff that 24 failure to make a filing would result in a recommendation that this case be dismissed for failure to 25 prosecute. ECF No. 13. Plaintiff again did not respond. Plaintiff has not responded to the 26 court's orders, nor taken any action to prosecute this case. 27 Therefore, it is ORDERED that the hearing set for December 8, 2021 is VACATED to be re-set if necessary. 28 1

Further, 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)(l). Within twenty-one (21) days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Local Rule 304(d). Plaintiff is 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: December 1, 2021

ALLISON CLAIRE

UNITED STATES MAGISTRATE JUDGE

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