

1 Pursuant to Local Rule 230(c), plaintiffs were to file an opposition, if any, within 14 days after
2 being served with the motion. The 14-day period has passed, and plaintiffs have not filed an
3 opposition. In this regard, plaintiffs have failed to prosecute this action.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Defendants' April 18, 2023 motion to dismiss (ECF No. 27) is denied without
6 prejudice to renewal as having been rendered moot¹; and

7 2. The May 26, 2023 hearing of defendants' motion is vacated.

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

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

18 DATED: May 22, 2023

19 /s/ DEBORAH BARNES
20 UNITED STATES MAGISTRATE JUDGE

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28 ¹ In the event these findings and recommendations are not adopted in full defendants may re-
notice the motion to dismiss for hearing before the undersigned.