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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIMBERLEY A. SCHEMBRI,
Plaintiff,
v.
FBI HEADQUARTERS, *et al.*,
Defendants.

Case No. 2:23-cv-00183-DAD-JDP (PS)
FINDINGS AND RECOMMENDATIONS
THAT PLAINTIFF’S COMPLAINT BE
DISMISSED FOR FAILURE TO
PROSECUTE, COMPLY WITH COURT
ORDERS, AND STATE A CLAIM
ECF No. 1
OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On May 23, 2023, I screened plaintiff’s complaint, notified her that it failed state a claim, and granted her thirty days to file an amended complaint. ECF No. 5. Plaintiff failed to timely file an amended complaint. Accordingly, on December 26, 2023, I ordered her to show cause within fourteen days why this action should not be dismissed for failure to prosecute and failure to state a claim. ECF No. 7. I notified her that if she wished to continue with this lawsuit, she must file an amended complaint. I also warned plaintiff that failure to comply with the December 26, 2023 order would result in a recommendation that this action be dismissed. *Id.*

The deadline has passed, and plaintiff has not filed an amended complaint or otherwise responded to the December 26, 2023 order. Accordingly, it is hereby RECOMMENDED that:

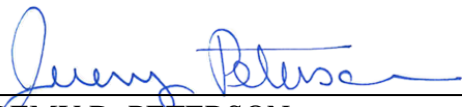
1 1. This action be dismissed without prejudice for failure to prosecute, failure to comply
2 with court orders, and failure to state a claim for the reasons set forth in the December 26, 2023
3 order.

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

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

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15 IT IS SO ORDERED.

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17 Dated: February 7, 2024


18 JEREMY D. PETERSON
19 UNITED STATES MAGISTRATE JUDGE
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