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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CARL RENOWITZKY,
Plaintiff,
v.
ABC 7 NEWS, et al.,
Defendants.

Case No. [17-cv-00491-SI](#)

**ORDER ADOPTING REPORT AND
RECOMMENDATION TO DISMISS
FOR FAILURE TO PROSECUTE**

Re: Dkt. No. 9

On May 24, 2017, Magistrate Judge Laporte issued a report and recommendation (the "Report") in this case. Dkt. No. 9. The Report recommends that the Court dismiss this libel action for failure to prosecute. *Id.* In particular, plaintiff was required to serve defendants by May 1, 2017, unless excused for good cause. *See* Fed. R. Civ. P. 4(m). However, plaintiff has not filed a proof of service or executed waiver. None of the defendants have appeared. Plaintiff also failed to: (1) respond to notices from the clerk regarding consent or declination to proceed before a magistrate judge; (2) file a Case Management Conference statement by the May 9, 2017 deadline; (3) attend the May 16, 2017 Case Management Conference; and (4) respond by the May 22, 2017 deadline to Judge Laporte's Order to Show Cause why the case should not be dismissed without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b). Additionally, the Order to Show Cause cautioned plaintiff that a failure to respond would result in a recommendation for dismissal of the action for failure to prosecute. Dkt. No. 8 at 1:22-24.

Pursuant to 28 U.S.C. § 636(b)(1), the parties had fourteen days from service of the Report to file written objections. *See also* Fed. R. Civ. P. 72(b); Civil Local Rule 72-3. No party filed objections to the Report by the deadline.

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The Court has reviewed the Report and the docket in this case. The Court agrees with Judge Laporte's analysis and, accordingly, ADOPTS the Report and Recommendation. This case is DISMISSED without prejudice for failure to prosecute.

IT IS SO ORDERED.

Dated: June 16, 2017



SUSAN ILLSTON
United States District Judge