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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STEVEN BOCANEGRA,  
Plaintiff,  
v.  
GILEAD SCIENCES INC.,  
Defendant.

Case No. [23-cv-01515-SI](#)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING CASE WITHOUT  
PREJUDICE FOR FAILURE TO  
PROSECUTE**


Re: Dkt. No. 13

On September 7, 2023, Magistrate Judge Westmore issued a Report and Recommendation recommending that this case be dismissed without prejudice for failure to prosecute because plaintiff has failed to serve defendant with the summons and complaint. Dkt. No. 13. Pursuant to Federal Rule of Civil Procedure 72, objections to the Report and Recommendation were due no later than September 21, 2023. The Court has not received any objection from Mr. Bocanegra, who is represented by counsel.

The Court has reviewed the Report and Recommendation and agrees with the recommendation that the case be dismissed for failure to prosecute. The case was filed on March 30, 2023, and the docket reflects that as of the filing date of this order, defendant has not been served. Accordingly, the Court ADOPTS the Report and Recommendation and DISMISSES this case without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

**IT IS SO ORDERED.**

Dated: October 2, 2023

  
SUSAN ILLSTON  
United States District Judge