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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MARK ELLIOTT,

Plaintiff,

v.

OAKRIDGE INDUSTRIES, INC., *et al.*,

Defendants.

Case No. 2:15-cv-01143-APG-VCF

**ORDER ON REPORT AND
RECOMMENDATION**

(ECF No. 44)

10 On August 19, 2016, Magistrate Judge Ferenbach recommended I dismiss the complaint
11 in this action with prejudice due to the plaintiff's failure to comply with court orders and his
12 disruptive litigation conduct. ECF No. 44. Plaintiff Mark Elliott objected. ECF Nos. 46, 52.

13 Although I appreciate the frustration with Elliott's conduct while he was acting pro se, he
14 since has obtained counsel to represent him in this action. *See* ECF Nos. 58, 61, 62, 63. In light
15 of the policy preference for deciding cases on their merits, I decline to dismiss this action with
16 prejudice at this time. However, I advise Elliott and his counsel that future failures to obey court
17 orders or obstructive litigation tactics may result in sanctions up to and including dismissal with
18 prejudice.

19 IT IS THEREFORE ORDERED that I decline to adopt the Magistrate Judge's report and
20 recommendation (ECF No. 44) and I do not dismiss this action with prejudice at this time.

21 IT IS FURTHER ORDERED that the parties are referred to the Magistrate Judge to
22 discuss moving the proceedings along in this case.

23 DATED this 5th day of April, 2017.

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ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE