



(PS)Williams v. California State Prison Solano et al

2009 | Cited 0 times | E.D. California | September 2, 2009

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1 IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA DAVID RAY WILLIAMS,

Plaintiff, No. CIV S-07-0432 GEB EFB PS vs. CALIFORNIA STATE PRISON SOLANO MEDICAL
STAFF, et al.,

Defendants. FINDINGS AND RECOMMENDATIONS /

On January 28, 2009, after extending time within which plaintiff was permitted to submit service of process information to the U.S. Marshal, this court ordered plaintiff to show cause in writing within ten days why this action should not be dismissed “for failure to serve process, Fed. R. Civ. P. 4(m), failure to prosecute this action, Fed. R. Civ. P. 41(b), and [] failure to abide by the rules and rulings of this court, Fed. R. Civ. P. 11.” See Dckt. No. 8, at p. 2. The court further noted that “[f]ailure to respond to this order shall be construed as abandonment of the case.” Id.

This deadline has long since expired, and plaintiff has made no communication with the court. The court therefore construes the failure of plaintiff to respond to the court’s order as abandonment of this case. 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26

2 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice, Fed. R. Civ. P. 41(b), and the Clerk of Court be directed to close this case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within ten days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections within the specified time may waive the right to appeal the District Court’s order. Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). DATED: September 1, 2009.

