



(PC) Rucker v. Ferrara

2015 | Cited 0 times | E.D. California | May 27, 2015

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 27 28

1 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

KEITH RUCKER,

Plaintiff, v. THOMAS A. FERRARA,

Defendant.

No. 2:14-cv-2523 MCE AC P

ORDER AND FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On February 12, 2015, defendants filed a motion to dismiss. ECF No. 11. On April 6, 2015, plaintiff was ordered to file an opposition or a statement of non-opposition to the pending motion within twenty-one days. ECF No. 16. In the same order, plaintiff was informed that failure to file an opposition would result in a recommendation that this action be dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

On April 22, 2015, the April 6, 2015 order was re-served on plaintiff at an alternate address and plaintiff was given an additional twenty-one days to comply with the order. ECF No. 17. Plaintiff was also ordered to file a notice of change of address within twenty-one days and to pay the filing fee or submit a non-prisoner application to proceed in forma pauperis within thirty days. Id. The twenty-one and thirty-day periods have now expired, and plaintiff has not responded to the court's order. 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 27 28

2 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to serve a copy of this order on plaintiff at both his address of record and at 19 Werden St., Vallejo, CA 94590.

IT IS FURTHER RECOMMENDED that this action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b). 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)(1). Within fourteen days after being served with these findings and recommendations, any party may file



(PC) Rucker v. Ferrara

2015 | Cited 0 times | E.D. California | May 27, 2015

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." Any response to the objections shall be filed and served within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). DATED: May 27, 2015

