

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE WILLIAMS,

Plaintiff,

v.

ROMERO, et al.,

Defendants.

No. 2:17-cv-1884 TLN DB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a former state prisoner proceeding pro se with a civil rights action under 42 U.S.C. §1983. On September 8, 2023, this court ordered the parties to file pretrial statements. Plaintiff's statement was due February 23, 2024. (ECF No. 195.) He has not filed one. Defendants timely filed their statement on March 8, 2024. (ECF No. 196.)

Pretrial statements under Local Rule 281 are a necessary step in preparing this case for trial. In the September 8 order, this court advised the parties that "failure to file a pretrial statement may result in the imposition of sanctions, including dismissal of this action." (ECF No. 195 at 5.) Plaintiff has had more than ample time to prepare and file a pretrial statement. He has failed to file the statement or seek an extension of time to do so. Based on plaintiff's failure to prosecute this action in any way since the issuance of the September 8 order, this court finds any sanction short of dismissal would be futile. See Fed. R. Civ. P. 41; E.D. Cal. R. 110.

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1 Accordingly, and good cause appearing, IT IS HEREBY RECOMMENDED that this
2 action be dismissed for plaintiff's failure to prosecute and failure to comply with a court order.

3 These findings and recommendations will be submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days
5 after being served with these findings and recommendations, either party may file written
6 objections with the court. The document should be captioned "Objections to Magistrate Judge's
7 Findings and Recommendations." The parties are advised that failure to file objections within the
8 specified time may result in waiver of the right to appeal the district court's order. Martinez v.
9 Ylst, 951 F.2d 1153 (9th Cir. 1991).

10 DATED: March 25, 2024

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13 /s/ DEBORAH BARNES
14 UNITED STATES MAGISTRATE JUDGE
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