

1 Amended Complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). (Doc.45.) To date,
2 Plaintiff has not complied with or otherwise responded to the Court’s order. As a result, there is no
3 pleading on file which sets forth any claims upon which relief may be granted under § 1983.

4 Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), the undersigned HEREBY
5 RECOMMENDS that:

- 6 1. This action be dismissed, with prejudice, based on Plaintiff’s failure to state any claims
7 upon which relief may be granted under section 1983; and
- 8 2. The Clerk be DIRECTED to close this case.

9 These Findings and Recommendations will be submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **thirty (30) days**
11 after being served with these Findings and Recommendations, Plaintiff may file written objections with
12 the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and
13 Recommendations.” Plaintiff is advised that failure to file objections within the specified time may
14 waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

15

16 IT IS SO ORDERED.

17 Dated: February 3, 2011

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

18

19

20

21

22

23

24

25

26

27

28