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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY TAYLOR,)	Case No. 1:09-cv-2121-AWI-JLT
)	
Plaintiff,)	FINDINGS AND RECOMMENDATIONS
)	DISMISSING COMPLAINT WITH
vs.)	PREJUDICE
)	
NABORS INDUSTRIES, INC.,)	
)	
)	
)	
)	
Defendant.)	
_____)	

Plaintiff is proceeding in forma pauperis with an action alleging a violation of the Family Medical Leave Act, 29 U.S.C. § 2612, et seq. The matter was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rules 302 and 304.

On January 25, 2010, the Court ordered the complaint dismissed with leave to amend due to the Plaintiff's failure to state a viable claim. (Doc. 7). Plaintiff was granted 30 days leave in which to file an amended complaint. (Id.) The order was served on Plaintiff on January 25, 2010. Although the time for filing the amended complaint has passed, Plaintiff has not filed an amended complaint nor sought an extension of time within which to do so.

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1 **RECOMMENDATION**

2 Based on the foregoing, the Court recommends,

- 3 1. That the complaint (Doc. 3) be DISMISSED, with prejudice, for failure to state a
4 claim.

5 These Findings and Recommendations are submitted to the United States District Judge
6 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the
7 Local Rules for the United States District Court, Eastern District of California. Within fourteen
8 (14) days after being served with a copy, any party may file written objections with the Court and
9 serve a copy on all parties. Such a document should be captioned “Objections to Magistrate
10 Judge’s Findings and Recommendations.” Replies to the objections shall be filed within seven
11 (7) days after service of the objections. The District Judge will then review the Magistrate
12 Judge’s ruling pursuant to 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the
13 specified time may waive the right to appeal the District Judge’s order. Martinez v. Ylst, 951
14 F.2d 1153 (9th Cir. 1991).

15
16 IT IS SO ORDERED.

17 Dated: March 1, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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