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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL KLEIN,)	1:15-CV-00742 DAD DLB PC
)	
Plaintiff,)	FINDINGS AND RECOMMENDATION TO
)	DISMISS ACTION FOR FAILURE TO
vs.)	STATE A CLAIM
)	(FOURTEEN DAY DEADLINE)
C. MILLER, et al.,)	
)	
Defendants.)	

Plaintiff Michael Klein (“Plaintiff”) is a state prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983.

On March 7, 2016, the Court issued a screening order dismissing the complaint with leave to amend for failure to state a claim. Plaintiff was directed to file an amended complaint within (30) days. Over thirty days have passed and Plaintiff has failed to comply. Plaintiff was advised that failure to file an amended complaint within the allotted time would result in dismissal for failure to state a claim.

RECOMMENDATION

Accordingly, the Court **HEREBY RECOMMENDS** that this action be **DISMISSED WITH PREJUDICE** for failure to state a claim.

1 These Findings and Recommendations are submitted to the United States District Judge
2 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen
3 (14) days after date of service of these Findings and Recommendations, Plaintiff may file written
4 objections with the Court. Such a document should be captioned “Objections to Magistrate
5 Judge's Findings and Recommendations.” Plaintiff is advised that failure to file objections
6 within the specified time may waive the right to appeal the District Court's order. Martinez v.
7 Ylst, 951 F.2d 1153 (9th Cir. 1991).
8

9 IT IS SO ORDERED.

10
11 Dated: April 19, 2016

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE