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

DAVID RAY WILLIAMS,

Plaintiff,

No. CIV S-07-0431 LKK DAD PS

v.

C.S.P. SOLANO STATE PRISON  
MEDICAL STAFF, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

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By order filed November 21, 2007, the pro se plaintiff's complaint was dismissed with leave to file an amended complaint. The order, which required plaintiff to file an amended complaint within twenty days, was sent to plaintiff's address of record and was not returned to the court. Plaintiff did not file an amended complaint or otherwise respond to the order. On December 19, 2007, the undersigned recommended that this action be dismissed. A week later, plaintiff requested an extension of time to amend his complaint. By order filed January 3, 2008, the pending findings and recommendations were vacated and plaintiff was granted an extension of time to February 1, 2008 to file an amended complaint. The order was sent to plaintiff's address of record and was not returned to the court.

Once again, plaintiff has not filed an amended complaint within the time granted. Nor has plaintiff responded in any other way to the order filed on January 3, 2008. In that order,

1 the court advised plaintiff that failure to file a timely amended complaint would result in a  
2 renewed recommendation that this action be dismissed and that the dismissal would be for failure  
3 to state a claim upon which relief may be granted.

4 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed for  
5 failure to state a claim upon which relief may be granted.

6 These findings and recommendations will be submitted to the United States  
7 District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within  
8 twenty days after service of these findings and recommendations, plaintiff may file written  
9 objections with the court. Such a document should be captioned "Objections to Magistrate  
10 Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections  
11 within the specified time may waive the right to appeal the District Court's order. See Martinez  
12 v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

13 DATED: February 7, 2008.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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