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

HOWARD SCOTT,

Plaintiff,

No. 2: 10-cv-1664 WBS KJN P

vs.

C/P SANCHES, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

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By order filed December 9, 2010, plaintiff’s second amended complaint was dismissed and thirty days leave to file a third amended complaint was granted. On January 19, 2011 and March 23, 2011 plaintiff was granted thirty day extensions of time to file his third amended complaint. Thirty days from March 23, 2011, has now expired, and plaintiff has not filed a third amended complaint or otherwise responded to the court’s order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s

1 Findings and Recommendations.” Any response to the objections shall be filed and served  
2 within fourteen days after service of the objections. Plaintiff is advised that failure to file  
3 objections within the specified time may waive the right to appeal the District Court’s order.  
4 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 DATED: May 3, 2011

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8 KENDALL J. NEWMAN  
9 UNITED STATES MAGISTRATE JUDGE

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