

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

STEVEN FLOYD BOURN,

Plaintiff,

No. CIV S-10-3067 GEB EFB PS

vs.

PEOPLE OF THE STATE OF  
CALIFORNIA, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_ /  
This action in which plaintiff is proceeding *in propria persona* and *in forma pauperis*, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). See 28 U.S.C. § 636(b)(1). On April 15, 2011, the court dismissed plaintiff’s complaint for failure to state a claim, with leave to amend, pursuant to 28 U.S.C. § 1915(e)(2). Dckt. No. 6. The dismissal order explained the complaint’s deficiencies, gave plaintiff 30 days to file an amended complaint correcting those deficiencies, and warned plaintiff that failure to file an amended complaint would result in a recommendation that this action be dismissed.

The 30-day period has expired and plaintiff has not filed an amended complaint or appropriately responded to the court’s order. On May 6, 2011, plaintiff filed a document titled “Standing Objection,” which references the April 15 order, but does not excuse plaintiff’s failure to file an amended complaint. Dckt. No. 7. In that filing, plaintiff claims that the defendants are

1 in default and that any orders or findings of the undersigned would be “refused” by plaintiff “for  
2 good cause shown.”<sup>1</sup> Dckt. No. 7 at 8. Plaintiff has not requested an extension of time or  
3 otherwise indicated that he intends to file an amended complaint.

4 Accordingly, it is hereby RECOMMENDED that this action be dismissed without  
5 prejudice, and that the Clerk be directed to close this case. *See* Fed. R. Civ. P. 41(b); E.D. Cal.  
6 L.R. 110.

7 These findings and recommendations are submitted to the United States District Judge  
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
9 after being served with these findings and recommendations, any party may file written  
10 objections with the court and serve a copy on all parties. Such a document should be captioned  
11 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections  
12 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*  
13 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

14 Dated: May 26, 2011.

15   
16 EDMUND F. BRENNAN  
17 UNITED STATES MAGISTRATE JUDGE  
18  
19  
20  
21  
22  
23  
24

---

25 <sup>1</sup> The Clerk of the Court appropriately declined plaintiff’s request for entry of default on  
26 May 13, 2011, noting that plaintiff’s complaint had been dismissed with leave to amend on April  
15, 2011. Dckt. No. 8.