UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ALEX TABATABAEE,

Plaintiff,

v.

M. STAINER, et al.,

Defendants.

No. 2:14-cv-2137-WBS-EFB P (TEMP)

FINDINGS AND RECOMMENDATIONS

By order filed October 14, 2015, plaintiff's complaint was dismissed and thirty days leave to file an amended complaint was granted. The court has since granted plaintiff two extensions of time to file his amended complaint. Most recently, on December 23, 2015, the court granted plaintiff a final forty-five days to file an amended complaint. Forty-five days from that date have now passed, and plaintiff has not filed an 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)(l). 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 Findings

and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

DATED: February 4, 2016.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE