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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EMMETT WADE CHRISTIAN,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, et al.,

Defendants.

No. 2:15-cv-0541-JAM-EFB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. In reviewing the complaint, the court found that the question of proper venue was not apparent from the face of the complaint. Accordingly, on June 29, 2015, the court ordered plaintiff to show cause within thirty days why this action, which appears to be based upon events that arose at the California Men’s Colony, should not be transferred to the United States District Court for the Central District of California. ECF No. 9. On August 7, 2015, after plaintiff failed to respond to the order to show cause, the undersigned recommended that this action be dismissed. Plaintiff filed objections on August 14 and August 21, 2015. In his August 21, 2015 objections, plaintiff claimed that venue in this district was appropriate based on a “defendant at Folsom State Prison.” Plaintiff’s original complaint, however, fails to show that any defendant at Folsom State Prison violated his constitutional rights.

1           Accordingly, on October 27, 2015, the court vacated the August 7, 2015 findings and  
2 recommendations and granted plaintiff thirty days in which to file an amended complaint with  
3 allegations showing that venue is proper in this district. That order warned plaintiff that failure to  
4 comply may result in a recommendation that this action be dismissed.

5           The time for acting has passed and plaintiff has failed to file an amended complaint or  
6 otherwise respond to the court's order. Accordingly, it is hereby recommended that this action be  
7 dismissed for failure to prosecute. Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110.

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

15 DATED: November 30, 2015.

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17 EDMUND F. BRENNAN  
18 UNITED STATES MAGISTRATE JUDGE  
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