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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARCIAL PLATA,

Plaintiff,

v.

WOODFORD, et al.,

Defendants.

1:06-cv-01023-LJO-GSA-PC

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS ACTION BE
DISMISSED, WITH PREJUDICE, FOR
FAILURE TO STATE A CLAIM AND
FAILURE TO OBEY A COURT ORDER
(Doc. 26.)

OBJECTIONS, IF ANY, DUE WITHIN
THIRTY DAYS

Plaintiff Marcial Plata (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on August 7, 2006. (Doc. 1.) Plaintiff filed his First Amended Complaint on December 10, 2008. (Doc. 19.) Plaintiff filed the Second Amended Complaint on April 24, 2009. (Docs. 25, 26.)

On June 4, 2010, the undersigned dismissed Plaintiff’s Second Amended Complaint for failure to state a claim upon which relief may be granted and issued an order requiring Plaintiff to either file a Third Amended Complaint or notify the court that he wishes to proceed with the First Amended Complaint on the claims found cognizable by the Court, within thirty days . 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). (Doc.32.) To date, Plaintiff has not complied with or otherwise responded to the Court’s order.¹ As a result, there is no pleading on file which sets forth any claims upon which relief may be granted under section 1983.

¹On June 18, 2010, the United States Postal Service returned the court’s order as undeliverable.Chrono on File.” Plaintiff has not notified the court of any change in his address. Absent such notice, service at a party’s prior address is fully effective. Local Rule 182(f).

