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5	UNITED STATES DISTRICT COURT	
6	EASTERN DISTRICT OF CALIFORNIA	
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8	MARCIAL PLATA,	1:06-cv-01023-LJO-GSA-PC
9	Plaintiff,	FINDINGS AND RECOMMENDATIONS, RECOMMENDING THAT THIS ACTION BE
10	V.	DISMISSED, WITH PREJUDICE, FOR FAILURE TO STATE A CLAIM AND
11	WOODFORD, et al.,	FAILURE TO OBEY A COURT ORDER (Doc. 26.)
12	Defendants.	OBJECTIONS, IF ANY, DUE WITHIN
13		THIRTY DAYS
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15	Plaintiff Marcial Plata ("Plaintiff") is a state prisoner proceeding pro se in this civil rights	
16	action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on August 7, 2006. (Doc. 1.)	
17	Plaintiff filed his First Amended Complaint on December 10, 2008. (Doc. 19.) Plaintiff filed the	
18	Second Amended Complaint on April 24, 2009. (Docs. 25, 26.)	
19	On June 4, 2010, the undersigned dismissed Plaintiff's Second Amended Complaint for	
20	failure to state a claim upon which relief may be granted and issued an order requiring Plaintiff to	
21	either filed a Third Amended Complaint or notify the court that he wishes to proceed with the First	
22	Amended Complaint on the claims found cognizable by the Court, within thirty days . 28 U.S.C.	
23	§ 1915A; 28 U.S.C. § 1915(e). (Doc.32.) To date, Plaintiff has not complied with or otherwise	
24	responded to the Court's order. ¹ As a result, there is no pleading on file which sets forth any claims	
25	upon which relief may be granted under sectio	on 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).

1	Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), the undersigned	
2	HEREBY RECOMMENDS that:	
3	1. This action be dismissed, with prejudice, based on Plaintiff's failure to state any	
4	claims upon which relief may be granted under section 1983 and Plaintiff's failure	
5	to obey a court order; and	
6	2. The Clerk be DIRECTED to close this case.	
7	These Findings and Recommendations will be submitted to the United States District Judge	
8	assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(l). Within thirty (30)	
9	days after being served with these Findings and Recommendations, Plaintiff may file written	
10	objections with the Court. The document should be captioned "Objections to Magistrate Judge's	
11	Findings and Recommendations." Plaintiff is advised that failure to file objections within the	
12	specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d	
13	1153 (9th Cir. 1991).	
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15	IT IS SO ORDERED.	
16	Dated: July 22, 2010 /s/ Gary S. Austin UNITED STATES MAGISTRATE JUDGE	
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