

1  
2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE EASTERN DISTRICT OF CALIFORNIA  
4  
5  
6

7 LUCRETIA GALLOW,

8 Plaintiff,

9 vs.

1: 07 CV 0173 LJO WMW PC

FINDINGS AND RECOMMENDATION

10  
11  
12 SGT.SMITH, et al.,

13 Defendants.  
14

15 On July 15, 2008, the operative complaint was dismissed, granting Plaintiff leave to file  
16 an amended complaint. Plaintiff failed to file an amended complaint, and on October 8, 2008, a  
17 recommendation of dismissal was entered. On October 17, 2008, Plaintiff filed objections to the  
18 findings and recommendations. On November 18, 2008, an order was entered, vacating the  
19 findings and recommendations and granting Plaintiff a thirty day extension of time in which to  
20 file an amended complaint. To date, Plaintiff has not filed an amended complaint.

21 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without  
22 prejudice for Plaintiff's failure to prosecute.

23 These findings and recommendations are submitted to the United States District Judge  
24 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within thirty  
25 days after being served with these findings and recommendations, any party may file written  
26

1 objections with the court and serve a copy on all parties. Such a document should be captioned  
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections  
3 shall be served and filed within ten days after service of the objections. The parties are advised  
4 that failure to file objections within the specified time waives all objections to the judge’s  
5 findings of fact. See Turner v. Duncan, 158 F.3d 449, 455 (9<sup>th</sup> Cir. 1998). Failure to file  
6 objections within the specified time may waive the right to appeal the District Court’s order.  
7 Martinez v. Ylst, 951 F.2d 1153 (9<sup>th</sup> Cir. 1991).

8  
9 IT IS SO ORDERED.

10 **Dated: January 13, 2009**

**/s/ William M. Wunderlich**  
**UNITED STATES MAGISTRATE JUDGE**