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6	UNITED STATE	S DISTRICT COURT
7	EASTERN DISTRICT OF CALIFORNIA	
8	EASTERN DISTI	det of california
9	LUMPKIN WILLIAMS,	CASE NO. 1:07-cv-01065-AWI-SKO PC
10	Plaintiff,	FINDINGS AND RECOMMENDATIONS RECOMMENDING DISMISSAL OF ACTION
11	V.	FOR FAILURE TO STATE A CLAIM
12	JOHN GARCIA, et al.,	OBJECTIONS DUE WITHIN 30 DAYS
13	Defendants.	,
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15	Plaintiff Lumpkin Williams ("Plaintiff") is a state prisoner proceeding pro se and in forma	
16	pauperis in this civil rights action pursuant to <u>42 U.S.C. § 1983</u> . On March 22, 2010, the Court	
17	screened Plaintiff's first amended complaint pursuant to 28 U.S.C. § 1915A and found that	
18	Plaintiff's first amended complaint failed to state a claim upon which relief can be granted under	
19	Section 1983. (Doc. #15.) Plaintiff was informed of the deficiencies in his claims and was directed	
20	to file a second amended complaint within 30 days of the date of service of the March 22, 2010	
21	screening order. Plaintiff has not filed a second amended complaint.	
22	Because Plaintiff has not filed a seco	nd amended complaint, the Court will recommend
23	dismissal of this action with prejudice for failure to state a claim upon which relief can be granted.	
24	See Ferdik v. Bonzelet, 963 F.2d 1258, 1261 (9th Cir. 1992) (dismissal with prejudice upheld where	
25	court had instructed plaintiff regarding deficiencies in prior order dismissing claim with leave to	
26	amend).	
27	Accordingly, it is HEREBY RECOMMENDED that this action be dismissed for failure to	
28	state a claim upon which relief can be granted	

1	These Findings and Recommendations are submitted to the United States District Judge	
2	assigned to the case, pursuant to the provisions of <u>Title 28 U.S.C. § $636(b)(1)$</u> . Within thirty (30)	
3	days after being served with these Findings and Recommendations, any party may file written	
4	objections with the Court and serve a copy on all parties. Such a document should be captioned	
5	"Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections	
6	shall be served and filed within ten (10) days after service of the objections. The parties are advised	
7	that failure to file objections within the specified time may waive the right to appeal the District	
8	Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).	
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10	IT IS SO ORDERED.	
11	Dated: May 22, 2010 /s/ Sheila K. Oberto UNITED STATES MAGISTRATE JUDGE	
12	UNITED STATES WADISTRATE JODGE	
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