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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

LEROY DEWITT HUNTER,		NO. 1:07-cv-01126-AWI-SMS-PC
)	
Plaintiff,)	FINDINGS AND
)	RECOMMENDATIONS THAT THIS
v.)	ACTION BE DISMISSED FOR
)	FAILURE TO STATE A CLAIM AND
D. YOUNGLBOOD, et al.,)	FOR FAILURE TO OBEY A COURT
)	ORDER
Defendants.)	OBJECTIONS DUE IN THIRTY
)	DAYS

Plaintiff is a state prisoner proceeding pro se in this civil rights action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 27, 2010, findings and recommendations were entered, recommending that this action be dismissed for failure to state a claim upon which relief could be granted. On February 5, 2010, Plaintiff filed objections to the findings and recommendations. On May 4, 2010, an order was entered, vacating the findings and recommendations and granting Plaintiff leave to file a second amended complaint.

In the May 4, 2010, order vacating the findings and recommendations, Plaintiff was provided with specific guidance on the pleading requirements for an amended complaint and

1 provided with the form for filing an amended complaint pursuant to 42 U.S.C. § 1983. Plaintiff
2 was also advised that should he need an extension of time to comply with the order, he should
3 file a motion for extension of time. Plaintiff was specifically cautioned that his failure to comply
4 with the order would result in dismissal of this action for failure to obey a court order and for
5 failure to state a claim upon which relief could be granted. The thirty day period has expired and
6 Plaintiff has not filed a second amended complaint, a motion for extension of time, or any other
7 response to the order of May 4, 2010.

8 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed for failure
9 to obey a court order and for failure to state a claim upon which relief could be granted.

10 These findings and recommendations are submitted to the United States District Judge
11 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within thirty days
12 after being served with these findings and recommendations, any party may file written
13 objections with the court and serve a copy on all parties. Such a document should be captioned
14 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections
15 shall be served and filed within ten days after service of the objections. The parties are advised
16 that failure to file objections within the specified time waives all objections to the judge’s
17 findings of fact. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). Failure to file
18 objections within the specified time may waive the right to appeal the District Court’s order.
19 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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23 IT IS SO ORDERED.

24 **Dated:** June 16, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE