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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRYANT KEITH BROWN,

1:07-cv-01255-OWW-SMS-PC

Plaintiff,

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS ACTION BE
DISMISSED, WITH PREJUDICE, FOR
FAILURE TO STATE A CLAIM UPON
WHICH RELIEF MAY BE GRANTED
(Doc. 12.)

v.

SIMON T. VILLA, et al.,

Defendants.

OBJECTIONS, IF ANY, DUE WITHIN
THIRTY DAYS

_____ /

Plaintiff Bryant Keith Brown (“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 30, 2007. (Doc. 1.)

On July 24, 2008, Plaintiff filed an amended complaint. (Doc. 12.)

On August 26, 2009, the undersigned dismissed Plaintiff’s amended complaint for failure to state a claim upon which relief may be granted and gave Plaintiff leave to file a second amended complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). (Doc.16.) More than fifty days have passed, and Plaintiff has not complied with or otherwise responded to the Court’s order.

As a result, there is no pleading on file which sets forth any claims upon which relief may be granted under section 1983.

Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), the undersigned
HEREBY RECOMMENDS:

- 1. This action be dismissed, with prejudice, based on Plaintiff’s failure to state any claims upon which relief may be granted under section 1983; and

1 2. The Clerk be DIRECTED to close this case.

2 These Findings and Recommendations will be submitted to the United States District Judge
3 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **thirty (30)**
4 **days** after being served with these Findings and Recommendations, Plaintiff may file written
5 objections with the Court. The document should be captioned “Objections to Magistrate Judge’s
6 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the
7 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d
8 1153 (9th Cir. 1991).

9
10 IT IS SO ORDERED.

11 **Dated:** October 22, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE