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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

GREGORY McCLELLAN,

1:07-cv-01607-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. 1)

v.

HAVILAND, et al.,

Defendants.

OBJECTIONS, IF ANY, DUE WITHIN  
THIRTY DAYS

\_\_\_\_\_  
Plaintiff Gregory McClellan ("Plaintiff") is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on November 5, 2007. (Doc. 1.)

On May 15, 2009, the undersigned dismissed Plaintiff's complaint for failure to state a claim upon which relief may be granted and gave Plaintiff leave to file an amended complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). (Doc.11.) To date, Plaintiff has not complied with or otherwise responded to the Court's order.<sup>1</sup> As a result, there is no pleading on file which sets forth any claims upon which relief may be granted under section 1983.

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<sup>1</sup>On June 11, 2009, the United States Postal Service returned the court's order as undeliverable, with a notation "Return to Sender, Not at Address, Insufficient Address." 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 83-182(f).

