1 2 3 4 5 UNITED STATES DISTRICT COURT 6 EASTERN DISTRICT OF CALIFORNIA 7 8 9 CLIFFORD J. WILLIAMS, 1:07-cv-01855-LJO-GSA-PC 10 Plaintiff, FINDINGS AND RECOMMENDATIONS, RECOMMENDING THAT THIS ACTION BE 11 v. DISMISSED, WITH PREJUDICE, FOR FAILURE TO STATE A CLAIM UPON CALIFORNIA DEPARTMENT OF 12 WHICH RELIEF MAY BE GRANTED CORRECTIONS, et al., (Doc. 20.) 13 OBJECTIONS, IF ANY, DUE WITHIN Defendants. 14 THIRTY DAYS 15 16 Clifford J. Williams ("Plaintiff") is a state prisoner proceeding pro se in this civil rights 17 action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on December 20, 2007. (Doc. 1.) 18 On March 30, 2011, the undersigned dismissed Plaintiff's First Amended Complaint for 19 failure to state a claim upon which relief may be granted and gave Plaintiff leave to file a Second 20 Amended Complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). (Doc.22.) To 21 date, Plaintiff has not complied with or otherwise responded to the Court's order. As a result, there 22 is no pleading on file which sets forth any claims upon which relief may be granted under section 23 1983. 24 Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), the undersigned 25 HEREBY RECOMMENDS that: 26 1. This action be dismissed, with prejudice, based on Plaintiff's failure to state any 27 claims upon which relief may be granted under section 1983; and 28

2. This dismissal count as a strike pursuant to 28 U.S.C. § 1915(g).

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

IT IS SO ORDERED.

Dated: May 23, 2011 /s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE