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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MOODY WOODROW TANKSLEY,

Plaintiff,

v.

BLACKWELL, M.D., et al.,

Defendants.

CASE NO. 1:08-cv-00093-OWW-GBC PC

FINDINGS AND RECOMMENDATIONS
RECOMMENDING DISMISSING
COMPLAINT, WITH PREJUDICE, FOR
FAILURE TO STATE A CLAIM

(Doc. 11)

TWENTY-DAY DEADLINE

_____ /

Plaintiff Moody Woodrow Tanksley (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. A first amended complaint was filed on August 19, 2009. (Doc. 11.) On November 10, 2010, the amended complaint was screened and dismissed for failure to state a claim upon which relief may be granted. (Doc. 14.) Plaintiff was ordered to file an amended complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). To date, 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), it is HEREBY RECOMMENDED that this action be dismissed, with prejudice, based on Plaintiff’s failure to state any claims upon which relief may be granted under section 1983.

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)(1). Within **twenty (20)**

1 **days** after being served with these findings and recommendations, Plaintiff may file written
2 objections with the Court. The document should be captioned “Objections to Magistrate Judge’s
3 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the
4 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d
5 1153 (9th Cir. 1991).

6 IT IS SO ORDERED.

7 Dated: December 30, 2010

8 
9 UNITED STATES MAGISTRATE JUDGE