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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KELVIN FULLER,

Plaintiff,

v.

YATES, et al.,

Defendants.

1:08-cv-00465-LJO-GSA-PC

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS ACTION BE
DISMISSED, WITH PREJUDICE, FOR
FAILURE TO STATE A CLAIM UPON
WHICH RELIEF MAY BE GRANTED
(Doc. 14.)

OBJECTIONS, IF ANY, DUE WITHIN
THIRTY DAYS

Plaintiff Kelvin Fuller (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff commenced this action on December 17, 2007, at the Fresno County Superior Court. On April 1, 2008, defendants Yates and Igbanosa removed this action to federal court. (Doc. 3.) On April 23, 2009, plaintiff filed a first amended complaint. (Doc. 14.)

On September 9, 2009, the undersigned dismissed Plaintiff’s first 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 forty-five days have passed, and Plaintiff has not filed a second amended complaint 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.

