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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAURA L. MEDLEY,

1:08-cv-00517-AWI-SMS-PC

Plaintiff,

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS ACTION BE
DISMISSED, WITH PREJUDICE, FOR
FAILURE TO OBEY A COURT ORDER AND
FAILURE TO STATE A CLAIM UPON
WHICH RELIEF MAY BE GRANTED
(Doc. 1.)

v.

DR. IYER,

Defendant.

OBJECTIONS, IF ANY, DUE WITHIN
THIRTY DAYS

_____ /

Plaintiff, Laura L. Medley (“Plaintiff”), is a former state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on April 15, 2008. (Doc. 1.) On November 3, 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. 6.) To date, Plaintiff has not complied with or otherwise responded to the Court’s order.¹ 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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¹On November 16, 2009, the United States Postal Service returned the court’s order as undeliverable, with a notation “Out of Custody.” Plaintiff has not notified the court of any change in her address. Absent such notice, service at a party’s prior address is fully effective. Local Rule 83-182(f).

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

3 1. This action be dismissed, with prejudice, based on Plaintiff's failure to obey the
4 court's order and Plaintiff's failure to state any claims upon which relief may be
5 granted under section 1983; and

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

7 These Findings and Recommendations will be submitted to the United States District Judge
8 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **thirty (30)**
9 **days** after being served with these Findings and Recommendations, Plaintiff may file written
10 objections with the Court. The document should be captioned "Objections to Magistrate Judge's
11 Findings and Recommendations." Plaintiff is advised that failure to file objections within the
12 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d
13 1153 (9th Cir. 1991).

14 IT IS SO ORDERED.

15 Dated: January 5, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE