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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KENNETH D. MANTHEI,

1:08-cv-01727-AWI-GSA-PC

Plaintiff,

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

v.

ALVAREZ, et al.,

Defendants.

OBJECTIONS, IF ANY, DUE WITHIN
THIRTY DAYS

_____ /

Plaintiff Kenneth D. Manthei (“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 November 10, 2008. (Doc. 1.) On November 10, 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. 8.) 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), the undersigned
HEREBY RECOMMENDS that:

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

