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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL EUGENE HOLLIS,

CASE NO. 1:09-cv-00463-OWW-SMS

Plaintiff,

FINDINGS AND RECOMMENDATIONS
RECOMMENDING THIS ACTION BE
DISMISSED, WITHOUT PREJUDICE, FOR
FAILURE COMPLY WITH A COURT ORDER

v.

RUSSELL YORK, et al.,

(ECF No. 39, 40)

Defendants.

_____/

Plaintiff Michael Eugene Hollis (“Plaintiff”) is a federal prisoner proceeding pro se and in forma pauperis in this civil action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S. Ct. 1999 (1971), which provides a remedy for violation of civil rights by federal actors. This action was filed on March 11, 2009. An order was issued on April 1, 2011, adopting the findings and recommendations and dismissing the first amended complaint, with leave to file an amended complaint. On April 8, 2011, the Court issued an order directing Plaintiff to file his amended complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). Plaintiff was warned that if he failed to file an amended complaint in compliance with the order, this action would be dismissed. More than thirty days have passed and 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.

Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), it is HEREBY RECOMMENDED that this action BE DISMISSED, without prejudice, based on Plaintiff’s failure to comply with the Court’s order.

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

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12 IT IS SO ORDERED.

13 **Dated:** June 7, 2011

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE