UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JESSE GHOLSTON,	CASE NO. 1:09-cv-01343-OWW-GBC PC
Plaintiff,	FINDINGS AND RECOMMENDATIONS RECOMMENDING DISMISSING ACTION, WITH PREJUDICE, FOR FAILURE TO STATE A CLAIM
v.	
DERRAL G. ADAMS, et al.,	
Defendants.	OBJECTIONS DUE WITHIN TWENTY-DAYS

Plaintiff Jesse Gholston ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action was filed on July 31, 2009.

An order was issued on January 5, 2011, dismissing the complaint, with leave to file an 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, with prejudice, for failure to state any claims.

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, with prejudice, based on Plaintiff's failure to state any claims upon which relief may be granted.

These findings and recommendations will be submitted to the United States District Judge

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assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(l). Within twenty (20) days after being served with these findings and recommendations, Plaintiff may file written objections with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: February 25, 2011

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UNITED STATES MAGISTRATE JUDGE