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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONEY LYNCH,

1:09-cv-02097-AWI-GSA-PC

Plaintiff,

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS ACTION BE
DISMISSED, WITH PREJUDICE, FOR
FAILURE TO STATE A CLAIM UPON
WHICH RELIEF MAY BE GRANTED
(Doc. 22.)

v.

WARDEN OF PLEASANT VALLEY
STATE PRISON, et al.,

Defendants.

OBJECTIONS, IF ANY, DUE IN THIRTY
DAYS

_____ /

Anthony Lynch ("Plaintiff"), a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on December 2, 2009. (Doc. 1.) On May 1, 2012, the Court dismissed Plaintiff's First Amended Complaint for failure to state a claim, with leave to file a Second Amended Complaint. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). (Doc. 28.) Plaintiff has requested and been granted three extensions of time to file the Second Amended Complaint. (Docs. 30, 31, 32, 33, 34, 36.) The deadlines have now expired, and Plaintiff has not filed a Second Amended Complaint or otherwise responded to the Court's most recent order granting Plaintiff an extension of time. As a result, there is no pleading on file which sets forth any claims upon which relief may be granted.

Accordingly, IT IS HEREBY RECOMMENDED that pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this action be DISMISSED, with prejudice, based on Plaintiff's failure to state

