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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEROME A. PORTER-BEY,
Plaintiff,
v.
HARLEY LAPPIN, et al.,
Defendants.

Case No. 1:10-cv-01540-AWI-SAB (PC)
FINDINGS AND RECOMMENDATIONS
RECOMMENDING THIS ACTION BE
DISMISSED, WITH PREJUDICE, FOR
FAILURE TO STATE A CLAIM
(ECF No. 12)
THIRTY-DAY DEADLINE

Plaintiff Jerome A. Porter-Bey (“Plaintiff”) is a federal prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), which provides a remedy for violation of civil rights by federal actors. On May 2, 2013, the Court dismissed Plaintiff’s complaint with leave to amend. (ECF No. 12.) In that order, Plaintiff received notice that the failure to file an amended complaint within thirty days would result in the dismissal of his action, with prejudice, for failure to state a claim. More than thirty days has 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.

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These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **thirty (30) 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: June 20, 2013


UNITED STATES MAGISTRATE JUDGE