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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

BOBBY W. FULLER,	1:10-cv-01929-AWI-GSA-PC	
Plaintiff,		FINDINGS AND RECOMMENDATIONS,
v.		RECOMMENDING THAT THIS ACTION BE
A. HEDGPETH, et al.,		DISMISSED, WITH PREJUDICE, FOR
Defendants.		FAILURE TO STATE A CLAIM UPON
		WHICH RELIEF MAY BE GRANTED UNDER
		SECTION 1983
		(Doc. 1)
		OBJECTIONS, IF ANY, DUE IN 30 DAYS

**I. FINDINGS**

Plaintiff Bobby W. Fuller, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on October 15, 2010. On November 18, 2011, the Court dismissed Plaintiff’s complaint for failure to state a claim and ordered Plaintiff to file an amended complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). Plaintiff filed a motion for summary judgment on November 30, 2011; however, Plaintiff has not complied with the Court’s order to file an amended complaint. As a result, there is no pleading on file which sets forth any claims upon which relief may be granted.

**II. CONCLUSION AND RECOMMENDATIONS**

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 a claim upon which relief may be granted under section 1983.

