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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MICHAEL HARDEN,

CASE NO. 1:11-cv-01318-LJO-SAB

Plaintiff,

v.

FINDINGS AND RECOMMENDATIONS
RECOMMENDING THIS ACTION BE
DISMISSED, WITH PREJUDICE, FOR
FAILURE TO STATE A CLAIM

JOHN DOE, et al.,

Defendants.

(ECF Nos.7 & 19)

FOURTEEN-DAY DEADLINE

_____ /

Plaintiff Michael Harden (“Plaintiff”) is a state prisoner appearing pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On February 05, 2013, the Court issued an order dismissing Plaintiff’s complaint, with leave to amend, for failure to state a claim. (ECF No. 19.) Plaintiff was given thirty days to amend his complaint and was cautioned that the failure to do so would result in the dismissal of this action, with prejudice. 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.

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 **fourteen (14) days**

1 after being served with these findings and recommendations, Plaintiff may file written objections
2 with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and
3 Recommendations." Plaintiff is advised that failure to file objections within the specified time may
4 waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 IT IS SO ORDERED.

6 **Dated: April 10, 2013**


UNITED STATES MAGISTRATE JUDGE

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