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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	JAMES GROSS,	) Case No.: 1:12-cv-00780-LJO-SAB (HC)
12	Plaintiff,	/ FINDINGS AND RECOMMENDATION RECOMMENDING DISMISSAL OF ACTION,
13	V.	) WITH PREJUDICE, FOR FAILURE TO STATE ) A COGNIZABLE CLAIM FOR RELIEF
14	JAMES D. HARTLEY, et. al.,	) [ECF No. 16]
15	Defendants.	)
16		) )
17	Plaintiff James Gross is appearing pro se and in forma pauperis in this civil rights action	
18	pursuant to 42 U.S.C. § 1983.	
19	On September 20, 2013, the undersigned dismissed Plaintiff's complaint for failure to state a	
20	claim upon which relief may be granted and ordered Plaintiff to file an amended complaint within	
21	thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). To date, Plaintiff has not complied with or	
22	otherwise responded to the Court's order. As a result, there is no pleading on file which sets forth any	
23	claims upon which relief may be granted under section 1983.	
24	Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), the undersigned	
25	HEREBY RECOMMENDS that this action be dismissed, with prejudice, based on Plaintiff's failure	
26	to state any claims upon which relief may be granted under section 1983.	
27	These Findings and Recommendations will be submitted to the United States District Judge	
28	assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(l). Within fifteen (15) days	
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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. <u>Martinez v. Ylst</u> , 951 F.2d 1153 (9th Cir. 1991).	
IT IS SO ORDERED.	
Ture A. Be	
Dated: November 4, 2013 UNITED STATES MAGISTRATE JUDGE	
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