

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

| | | |
|------------------------------|---|--------------------------------------|
| ISRAEL MALDONADO, |) | Case No.: 1:12-cv-01330-AWI-SAB (PC) |
| |) | |
| Plaintiff, |) | |
| |) | FINDINGS AND RECOMMENDATION |
| v. |) | RECOMMENDING DISMISSAL OF ACTION |
| |) | FOR FAILURE TO STATE A COGNIZABLE |
| FACILITY 4A MEDICAL, et al., |) | CLAIM |
| |) | |
| Defendants. |) | [ECF No. 13] |
| |) | |
| |) | |

Plaintiff Israel Maldonado is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On October 31, 2013, Plaintiff’s amended complaint was dismissed, with leave to amend, for failure to state a cognizable claim. Plaintiff has failed to file a second amended complaint or otherwise responded to the Court’s order within the allotted thirty day time frame. More than thirty days have 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, IT IS HEREBY RECOMMENDED that this action be dismissed, with prejudice pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this action is HEREBY DISMISSED, with prejudice, based on Plaintiff’s failure to state a claim upon which relief may be granted under section 1983.

1 This Findings and Recommendation is submitted to the assigned United States District Court
2 Judge, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 304 of the Local Rules of
3 Practice for the United States District Court, Eastern District of California. Within fifteen (15) days
4 after being served with a copy, Plaintiff may file written objections with the court and serve a copy on
5 all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and
6 Recommendation." The Court will then review the Magistrate Judge's ruling pursuant to 28 U.S.C. §
7 636 (b)(1)(C). The parties are advised that failure to file objections within the specified time may
8 waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).
9

10
11 IT IS SO ORDERED.

12 Dated: January 15, 2014



13 UNITED STATES MAGISTRATE JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28