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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 LUKE LOGAN,
11 Plaintiff,
12 v.
13 A. LONIGRO, et al.,
14 Defendants.

Case No. 1:13-cv-00002-LJO-DLB PC

**FINDINGS AND RECOMMENDATIONS
RECOMMENDING TO DISMISS THIS
ACTION, WITH PREJUDICE, FOR
FAILURE TO STATE A CLAIM**

(ECF Nos. 13 & 17)

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16 Plaintiff Luke Logan ("Plaintiff") is a prisoner in the custody of the California Department of
17 Corrections and Rehabilitation ("CDCR"). Plaintiff is proceeding pro se and in forma pauperis in
18 this civil rights action pursuant to 42 U.S.C. § 1983. On August 7, 2013, the Court issued an order
19 dismissing the complaint, with leave to amend, for failure to state a claim. (ECF No. 13.) Plaintiff
20 was given thirty days to file an amended complaint and was cautioned that the failure to do so would
21 result in the dismissal of this action for failure to state a claim. *Id.* On September 5, 2013, the Court
22 issued an order granting Plaintiff's motion for an extension of time to file an amended complaint.
23 (ECF No. 17.) More than thirty days has passed, and Plaintiff has not complied with or otherwise
24 responded to the Court's order. As a result, there is no pleading on file which sets forth any claims
25 upon which relief may be granted.

26 Accordingly, it is HEREBY RECOMMENDED that this action be dismissed, with prejudice,
27 based on Plaintiff's failure to state a claim.

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These Findings and Recommendations are 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, the parties may file written objections with the court. Such a document should be captioned “Objections to Magistrate Judge's Findings and Recommendations.” The parties are 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, 1157 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: **November 21, 2013**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE