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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DONALD DEUTSCH,)	1:13-CV-00504 LJO DLB PC
)	
Plaintiff,)	FINDINGS AND RECOMMENDATION TO
)	DISMISS ACTION FOR FAILURE TO
vs.)	STATE A CLAIM
)	(FOURTEEN DAY DEADLINE)
A. ENENMOH, et al.,)	
)	
Defendants.)	

Plaintiff Donald Deutsch (“Plaintiff”) is a state prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed his complaint on April 8, 2013.

On December 29, 2014, the Court dismissed the complaint for failure to state a claim. Plaintiff was granted thirty (30) days to file an amended complaint. Plaintiff notified the Court of a changed address on January 23, 2015; therefore, the Court re-served the order on February 2, 2015, and reset the deadline for filing an amended complaint. On February 4, 2015, Plaintiff filed a motion for a sixty (60) day extension of time. On February 6, 2015, the Court granted the motion for extension of time and extended the deadline by sixty days. On April 6, 2015, Plaintiff filed a motion for a thirty (30) day extension of time. On April 13, 2015, the Court granted Plaintiff a second extension of time and extended the deadline by an additional thirty (30) days to May 18, 2015. The deadline for filing an amended complaint has now passed and Plaintiff has

1 failed to file an amended complaint or otherwise communicate with the Court. Plaintiff was
2 forewarned that failure to file an amended complaint would result in dismissal with prejudice for
3 failure to state a claim.

4 **RECOMMENDATION**

5 Accordingly, the Court HEREBY RECOMMENDS that this action be dismissed based
6 with prejudice for failure to state a claim.

7
8 These Findings and Recommendations are submitted to the United States District Judge
9 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen
10 (14) days after date of service of these Findings and Recommendations, Plaintiff may file written
11 objections with the Court. Such a document should be captioned “Objections to Magistrate
12 Judge's Findings and Recommendations.” Plaintiff is advised that failure to file objections
13 within the specified time may waive the right to appeal the District Court's order. Martinez v.
14 Ylst, 951 F.2d 1153 (9th Cir. 1991).

15
16 IT IS SO ORDERED.

17 Dated: May 28, 2015

18 /s/ Dennis L. Beck
19 UNITED STATES MAGISTRATE JUDGE