1 2 3 4 5 UNITED STATES DISTRICT COURT 6 EASTERN DISTRICT OF CALIFORNIA 7 8 9) 1:13-cv-00521-LJO-BAM (PC) CHRISTOPHER EVAN VANDERWERFF, 10 Plaintiff, FINDINGS AND RECOMMENDATIONS REGARDING DISMISSAL OF ACTION 11 FOR FAILURE TO STATE A CLAIM v. 12 K. ALLISON, et al., FOURTEEN-DAY DEADLINE 13 Defendants. 14 15 Plaintiff Christopher Evan Vanderwerff ("Plaintiff") is a state prisoner proceeding pro se 16 17 and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated 18 this action on February 13, 2013. 19 On April 25, 2014, the Court dismissed Plaintiff's complaint for failure to state a claim, with leave to file an amended complaint within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 20 1915(e). Plaintiff was warned that if he failed to file an amended complaint in compliance with 21 the order, this action would be dismissed for failure to state a claim. 22 23 The deadline for Plaintiff to file his amended complaint has passed and Plaintiff has not 24 complied with or otherwise responded to the Court's order. As a result, there is no pleading on

Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), IT IS HEREBY RECOMMENDED that this action be dismissed based on Plaintiff's failure to state any claims upon which relief may be granted.

file which sets forth any claims upon which relief may be granted.

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These findings and recommendations will be submitted to the United States District

Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C.§ 636(b)(l). Within

fourteen (14) days 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. Martinez v.

Ylst, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: June 6, 2014

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE