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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

| | | |
|---------------------|---|-------------------------------|
| MATTHEW JAMES DURY, |) | 1:13-cv-00595-AWI-BAM (PC) |
| |) | |
| Plaintiff, |) | FINDINGS AND RECOMMENDATIONS |
| |) | REGARDING DISMISSAL OF ACTION |
| v. |) | FOR FAILURE TO STATE A CLAIM |
| |) | |
| J. CIUFO, |) | FOURTEEN-DAY DEADLINE |
| |) | |
| Defendant. |) | |
| |) | |
| |) | |

Plaintiff Matthew James Dury (“Plaintiff”) is a federal prisoner proceeding pro se and in forma pauperis in this civil action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388, 91 S.Ct. 1999 (1971). Plaintiff initiated this action on April 24, 2013. Plaintiff filed a first amended complaint on May 6, 2013.

On June 13, 2014, the Court dismissed Plaintiff’s first amended 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. § 1915(e). Plaintiff was warned that if he failed to file an amended complaint in compliance with the order, this action would be dismissed for failure to state a claim.

The deadline for Plaintiff to file his second amended complaint has 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.

