UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

VERNON LEE JONES,

Plaintiff,

| vs.

| JAMES HARTLEY, et al.,

Defendants.

1:13-cv-01590-AWI-GSA (PC)

FINDINGS AND RECOMMENDATIONS, RECOMMENDING THAT THIS ACTION BE DISMISSED, WITH PREJUDICE, FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED (Doc. 10.)

OBJECTIONS, IF ANY, DUE IN THIRTY DAYS

granted.

pauperis, filed the Complaint commencing this civil rights action pursuant to 42 U.S.C. § 1983 on October 3, 2013. (Doc. 1.) On March 19, 2015, the Court dismissed Plaintiff's Complaint for failure to state a claim, with leave to amend within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). (Doc. 13.) The thirty day deadline to amend the Complaint has expired, and Plaintiff has not filed an amended complaint 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

Vernon Lee Jones ("Plaintiff"), a former state prisoner proceeding pro se and in forma

Accordingly, **IT IS HEREBY RECOMMENDED** that pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this action be DISMISSED, with prejudice, based on Plaintiff's failure to state a claim upon which relief may be granted under section 1983.

These findings and recommendations are 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 thirty days after being served with these findings and recommendations, Plaintiff may file written objections with the court. Such a 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 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: May 16, 2015 /s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE