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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DAVID TOROSIAN,  
Plaintiff,

v.

CITY OF FRESNO, et al.,  
Defendants.

**CASE NO. 1:14-cv-00128-LJO-SKO**

**ORDER STRIKING PLAINTIFF'S  
SECOND AMENDED COMPLAINT**

**(Doc. 7)**

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Plaintiff David Torosian filed a complaint on January 29, 2014, along with an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915, which was granted. Plaintiff's complaint was screened by the U.S. Magistrate Judge pursuant to 28 U.S.C. § 1915(e)(2) and dismissed with leave to amend. On April 23, 2014, Plaintiff filed a First Amended Complaint which was dismissed on May 8, 2014, with 30-days leave to amend. (Doc. 5.)

Plaintiff failed to file an amended complaint, and on July 9, 2014, the Magistrate Judge issued Findings and Recommendations that Plaintiff's complaint be dismissed with prejudice. Plaintiff was given 28 days to file objections to the Findings and Recommendations. On August

1 14, 2014, Plaintiff filed a Second Amended Complaint. (Doc. 7.) On the same day that  
2 Plaintiff's Second Amended Complaint was entered on the docket, the Court adopted the  
3 Magistrate Judge's Findings and Recommendations, dismissed Plaintiff's complaint, and closed  
4 the case.

5 Plaintiff failed to timely file a Second Amended Complaint or file objections to the  
6 Magistrate Judge's Findings and Recommendations. As such, the Second Amended Complaint  
7 filed on August 14, 2014, is STRICKEN as untimely.<sup>1</sup>  
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9 IT IS SO ORDERED.

10 Dated: August 21, 2014

/s/ Lawrence J. O'Neill  
11 UNITED STATES DISTRICT JUDGE  
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27 <sup>1</sup> The Court notes the Findings and Recommendations were returned as undeliverable. The  
28 Findings and Recommendations were served on Plaintiff at the address on file. It is the  
plaintiff's responsibility to keep the court apprised of his current address at all times. Pursuant  
to Local Rule 182(f), service of documents at the record address of the party is fully effective.