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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID TOROSIAN,

Plaintiff,

v.

Case No. 1:14-cv-00128-LJO-SKO

**FINDINGS AND RECOMMENDATIONS
THAT PLAINTIFF'S COMPLAINT BE
DISMISSED WITH PREJUDICE**

OBJECTIONS DUE: 28 DAYS

CITY OF FRESNO,
FRESNO POLICE DEPARTMENT, and
Does 1-20, inclusive,

Defendants.

_____ /

I. INTRODUCTION

On January 29, 2014, Plaintiff David Torosian ("Plaintiff") filed a complaint under the Civil Rights Act, 42 U.S.C. § 1983, against the City of Fresno, Fresno Police Department, and Does 1-20 (collectively, "Defendants") for violation of his Second Amendment rights. Plaintiff also filed a motion to proceed *in forma pauperis*, which was granted.

On May 8, 2014, the undersigned dismissed Plaintiff's complaint for failure to state a claim upon which relief may be granted and ordered Plaintiff to file an amended complaint within thirty (30) days. 28 U.S.C. § 1915(e). To date, 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

1 which relief may be granted.

2 Accordingly, pursuant to 28 U.S.C. § 1915(e), the undersigned HEREBY
3 RECOMMENDS that this action be dismissed, with prejudice, based on Plaintiff's failure to state
4 any claims upon which relief may be granted.

5 These Findings and Recommendations will be submitted to the United States District
6 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
7 twenty-eight (28) days after being served with these Findings and Recommendations, Plaintiff
8 may file written objections with the Court. The document should be captioned "Objections to
9 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
10 objections within the specified time may waive the right to appeal the District Court's order.
11 *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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14 IT IS SO ORDERED.

15 Dated: July 8, 2014

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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