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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

AARON THORNTON,  
Plaintiff,  
vs.  
DON PENNER,  
Defendant.

1:14-cv-00271-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. 1.)

OBJECTIONS, IF ANY, DUE IN THIRTY  
DAYS

Aaron Thornton (“Plaintiff”) is a state hospital patient proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on February 24, 2014. (Doc. 1.)

On June 19, 2014, the Court dismissed Plaintiff’s Complaint for failure to state a claim, with leave to file an Amended Complaint within thirty days. (Doc. 11.) 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). To date, Plaintiff has not complied with or otherwise responded to the Court’s order.<sup>1</sup> As a result, there is no pleading on file which sets forth any claims upon which relief may be granted.

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<sup>1</sup> On June 27, 2014, the U.S. Postmaster returned the court’s order to the court as undeliverable, with the notation “no such name.” (Court Record.) On June 30, 2014, the order was re-served upon Plaintiff at a new address. (Court Record.) On July 10, 2014, the mail was again returned to the court as undeliverable. (Court Record.) Plaintiff has not notified the court of any change in his address. Absent such notice, service at a party’s prior address is fully effective. Local Rule 182(f).

1 Accordingly, IT IS HEREBY RECOMMENDED that pursuant to 28 U.S.C. § 1915A  
2 and 28 U.S.C. § 1915(e), this action be DISMISSED, with prejudice, based on Plaintiff's failure  
3 to state a claim upon which relief may be granted under section 1983, and that this dismissal be  
4 subject to the "three-strikes" provision set forth in 28 U.S.C. § 1915(g). Silva v. Vittorio, 658  
5 F.3d 1090, 1098 (9th Cir. 2011).

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

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14 IT IS SO ORDERED.

15 Dated: August 7, 2014

16 /s/ Gary S. Austin  
17 UNITED STATES MAGISTRATE JUDGE  
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