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

KENNY FERNANDEZ,

Plaintiff,

v.

J. LOPEZ, et al.,

Defendants.

Case No. 1:14-cv-00596 LJO DLB PC

**FINDINGS AND RECOMMENDATION  
REGARDING DISMISSAL OF ACTION FOR  
FAILURE TO COMPLY WITH COURT  
ORDER AND FAILURE TO PROSECUTE**

**TWENTY-ONE DAY DEADLINE**

Plaintiff Kenny Fernandez (“Plaintiff”) is a California state prisoner proceeding pro se and in forma pauperis in this action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on April 24, 2014.

On March 11, 2015, the Court screened the complaint and dismissed it with leave to amend. Plaintiff was ordered to file an amended complaint within thirty (30) days of the date of service of the order. Plaintiff was advised that failure to file an amended complaint would result in dismissal of the action. Over thirty (30) days have passed and Plaintiff has not filed an amended complaint or otherwise communicated with the Court.

Accordingly, IT IS HEREBY RECOMMENDED that the action be DISMISSED with prejudice and the Clerk be DIRECTED to close the case.

These Findings and Recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within twenty-one

1 (21) days after being served with these Findings and Recommendations, Plaintiff may file written  
2 objections with the Court. The document should be captioned “Objections to Magistrate Judge’s  
3 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the  
4 specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834,  
5 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

6  
7 IT IS SO ORDERED.

8 Dated: April 22, 2015

/s/ Dennis L. Beck  
9 UNITED STATES MAGISTRATE JUDGE