

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

JEROME LEE CROSS,  
Plaintiff,  
v.  
KINGS COUNTY DISTRICT  
ATTORNEY'S OFFICE, et al.,  
Defendants.

) Case No.: 1:14-cv-01073-AWI-SAB (PC)  
)  
)  
) FINDINGS AND RECOMMENDATION  
) RECOMMENDING DISMISSAL OF ACTION  
) FOR FAILURE TO STATE A COGNIZABLE  
) CLAIM UPON WHICH RELIEF MAY BE  
) GRANTED  
)  
) [ECF No. 16]  
)  
)

Plaintiff Jerome Lee Cross is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On December 30, 2014, the Court dismissed Plaintiff's second amended complaint for failure to state a cognizable claim under section 1983 and granted Plaintiff one final opportunity to further amend within thirty days. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(e). More than thirty days have passed and 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 which relief may be granted.

Accordingly, pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), IT IS HEREBY RECOMMENDED that 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 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 **thirty (30) days** after being served with these Findings and Recommendations, Plaintiff may file written objections

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

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6 IT IS SO ORDERED.

7 Dated: February 18, 2015

  
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UNITED STATES MAGISTRATE JUDGE