## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA MANUEL STELL, Plaintiff,

vs.

NORM KRAMER, et al.,

Defendants.

## 1:14-cv-01517-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, AND FOR FAILURE TO PROSECUTE (Doc. 2.)

**OBJECTIONS, IF ANY, DUE IN** TWENTY DAYS

Manuel Stell ("Plaintiff") is a civil detainee proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983.

The Complaint commencing this action was filed by Plaintiff and fifteen co-plaintiffs on June 18, 2014. (Doc. 2.) On September 26, 2014, the court issued an order severing the plaintiffs' claims, opening new cases for the plaintiffs, and ordering Plaintiff and each coplaintiff to file a First Amended Complaint in his own action within thirty days. (Doc. 1.) Plaintiff was granted two extensions of time in which to file the First Amended Complaint, and his latest deadline expired on March 30, 2015. (Docs. 4, 5.) Plaintiff has not filed a First Amended Complaint or otherwise responded to any of the court orders. As a result, there is no pleading on file which sets forth any claims upon which relief may be granted.

Accordingly, IT IS HEREBY RECOMMENDED that pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e)(2), this action be DISMISSED, with prejudice, based on Plaintiff's failure to state a claim upon which relief may be granted under section 1983, and for failure to prosecute.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(l). Within **twenty** (20) days after being served with these findings and recommendations, Plaintiff may file written objections with the court. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: May 21, 2015

## /s/ Gary S. Austin UNITED STATES MAGISTRATE JUDGE