

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JAMES THOMAS COOK,)	1:14-cv-01656 LJO DLB PC
)	
Plaintiff,)	FINDINGS AND RECOMMENDATION
)	
vs.)	
)	
DR. ANDREW HO, et al.,)	
)	
Defendants.)	

Plaintiff James Thomas Cook (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action. Plaintiff filed this action on October 20, 2014. He names Dr. Andrew Ho as Defendant.

On August 3, 2015, the Court screened Plaintiff’s Complaint and found that it failed to state a cognizable claim for relief. Plaintiff was granted leave 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 for failure to state a claim. Over thirty days have passed and Plaintiff has failed to file an amended complaint.

RECOMMENDATION

Accordingly, the Court **HEREBY RECOMMENDS:**

1. The Complaint be **DISMISSED WITH PREJUDICE** for failure to state a claim; and

1 2. The Clerk of Court be DIRECTED to terminate the action.

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

9
10 IT IS SO ORDERED.

11
12 Dated: September 15, 2015

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