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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 MELVIN RICKS,

9 Plaintiff,

10 v.

11 RESOURCES FOR INDEPENDENCE
12 CENTRAL VALLEY; MICHAEL
BORUNDA; ROBERT HAND,

13 Defendants.
14

CASE NO. 1:15-CV-893-AWI-SMS

FINDINGS AND RECOMMENDATIONS
RECOMMENDING DISMISSAL FOR
FAILURE TO PROSECUTE

15 Plaintiff Melvin Ricks, proceeding *in pro se* and *in forma pauperis*, filed an employment
16 discrimination complaint on June 12, 2015. Doc. 1. On July 21, 2014, this Court screened the
17 complaint and dismissed it in part with leave to amend. Doc. 4. That order directed Plaintiff to file
18 an amended complaint or notify the Court in writing that he wishes to proceed only on claims
19 found to be cognizable. Doc. 4. Plaintiff was advised that failure to comply with that order would
20 result in this action being dismissed without prejudice. Doc. 4. Service was effectuated the same
21 day. Doc. 5. As of October 6, 2015, Plaintiff has not filed an amended complaint or notified the
22 court in writing of his willingness to proceed only on claims found to be cognizable.

23 Hence, it is hereby RECOMMENDED that the action is DISMISSED without prejudice,
24 and the case closed.

25 These findings and recommendations are submitted to the United States District Court
26 Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Rule 72-
27 304 of the Local Rules of Practice for the United States District Court, Eastern District of
28 California. Within thirty (30) days after being served with a copy, Petitioner may file written

1 objections with the Court, serving a copy on all parties. Such a document should be captioned
2 “Objections to Magistrate Judge’s Findings and Recommendations.” The Court will then review
3 the Magistrate Judge’s ruling pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that
4 failure to file objections within the specified time may waive the right to appeal the District
5 Court’s order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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8 IT IS SO ORDERED.

9 Dated: October 8, 2015

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE