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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
7

8 DAVID TOWNSEL,

9 Plaintiff,

10 v.

11 RICHARD CIUMMO & ASSOCIATES;
12 KEVIN R. WEIMER,

13 Defendants.

CASE NO. 1:15-CV-894---SMS

FINDINGS AND RECOMMENDATIONS
RECOMMENDING DISMISSAL
WITHOUT PREJUDICE

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15 Plaintiff David Townsel brings the instant complaint *in pro se* and *in forma pauperis*
16 against defendants Richard Ciummo & Associates and Kevin R. Weimer for actions related to
17 Plaintiff's representation in a criminal matter.

18 On October 9, 2014, the Court screened the complaint pursuant to 28 U.S.C § 1915(e)(2),
19 and dismissed the complaint for failure to state a claim with leave to amend. Doc. 4. The Court
20 granted leave to file an amended complaint within thirty days of the date of service of that order.
21 Plaintiff was advised that he was not required to file an amended complaint, but failure to do so
22 would result in dismissal of the action. The order dismissing the complaint with leave to amend
23 was filed and served on the same day. To date, Plaintiff has not filed an amended complaint.

24 **RECOMMENDATION**

25 Accordingly, the Court **RECOMMENDS** that the action be dismissed without prejudice
26 and the case closed.

27 These findings and recommendations are submitted to the United States District Court
28 Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Rule 72-

1 304 of the Local Rules of Practice for the United States District Court, Eastern District of
2 California. Within thirty (30) days after being served with a copy, Petitioner may file written
3 objections with the Court, serving a copy on all parties. Such a document should be captioned
4 “Objections to Magistrate Judge’s Findings and Recommendations.” The Court will then review
5 the Magistrate Judge’s ruling pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that
6 failure to file objections within the specified time may waive the right to appeal the District
7 Court’s order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

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10 IT IS SO ORDERED.

11 Dated: November 25, 2015

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE