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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LAMAR JOHNSON,)	1:15-CV-01338 LJO DLB PC
)	
Plaintiff,)	FINDINGS AND RECOMMENDATION TO
)	DISMISS ACTION FOR FAILURE TO
vs.)	STATE A CLAIM
)	(FOURTEEN DAY DEADLINE)
NORM KRAMER, et al.,)	
)	
Defendants.)	

Plaintiff Lamar Johnson (“Plaintiff”) is a civil detainee proceeding pro se and in forma pauperis in this civil rights action.

On January 8, 2015, Plaintiffs William Stafford and Lamar Johnson filed a civil rights action in case number 1:15-cv-00038 LJO DLB PC. On September 2, 2015, the Court screened the complaint and issued an order dismissing the complaint, severing Plaintiffs’ claims, and directing the Clerk’s Office to open a new action for Plaintiff Johnson. On that same date, the Clerk’s Office opened the instant case with Plaintiff Johnson as the sole plaintiff. Plaintiff was directed to file an amended complaint within thirty days of the date of service of the order. Over thirty days have passed and Plaintiff has failed to file an amended complaint. In the Court’s order directing Plaintiff to file an amended complaint, the Court expressly stated: “If a Plaintiff fails to file an amended complaint in compliance with this order, his action will be dismissed, with prejudice, for failure to state a claim.”

1 **RECOMMENDATION**

2 Accordingly, the Court HEREBY RECOMMENDS that this action be dismissed with
3 prejudice for failure to state a claim.

4 These Findings and Recommendations are submitted to the United States District Judge
5 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen
6 (14) days after date of service of these Findings and Recommendations, Plaintiff may file written
7 objections with the Court. Such a document should be captioned “Objections to Magistrate
8 Judge's Findings and Recommendations.” Plaintiff is advised that failure to file objections
9 within the specified time may waive the right to appeal the District Court's order. Martinez v.
10 Ylst, 951 F.2d 1153 (9th Cir. 1991).
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12 IT IS SO ORDERED.
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14 Dated: October 7, 2015

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