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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GERALD WRIGHT,
Plaintiff,
vs.
D. DAVEY, et al.,
Defendants.

1:16-cv-01881-GSA-PC

**FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS CASE BE
DISMISSED, WITH PREJUDICE, FOR
FAILURE TO RESPOND TO COURT
ORDERS AND FAILURE TO STATE A
CLAIM
(ECF No. 13.)**

**OBJECTIONS, IF ANY, DUE IN
FOURTEEN (14) DAYS**

I. BACKGROUND

Gerald Wright (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. On December 9, 2016, Plaintiff filed the Complaint commencing this action at the United States District Court for the Central District of California. (ECF No. 1.) On December 15, 2016, Plaintiff’s case was transferred to this court. (ECF No. 4.)

On August 31, 2017, the court screened the Complaint and issued an order dismissing the Complaint for failure to state a claim, with leave to amend within thirty days. (ECF No. 13.) The thirty-day deadline has passed and Plaintiff did not file an amended complaint or otherwise responded to the court’s order. As a result, there is now no pleading Complaint on file.

1 On October 20, 2017, the court issued an order to show cause, requiring Plaintiff to
2 respond within fourteen days, showing cause why this case should not be dismissed. (ECF No.
3 14.) The fourteen-day deadline has expired and Plaintiff has not filed a response to the order to
4 show cause.

5 Accordingly, **IT IS HEREBY RECOMMENDED** that:

- 6 1. Pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this case be
7 DISMISSED, with prejudice, based on Plaintiff's failure to respond to court
8 orders and failure to state a claim upon which relief may be granted under §
9 1983; and
- 10 2. The Clerk be directed to close this case.

11 These findings and recommendations are submitted to the United States District Judge
12 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). **Within**
13 **fourteen (14) days** from the date of service of these findings and recommendations, Plaintiff
14 may file written objections with the court. Such a document should be captioned "Objections
15 to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
16 objections within the specified time may result in the waiver of rights on appeal. Wilkerson v.
17 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394
18 (9th Cir. 1991)).

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20 IT IS SO ORDERED.

21 Dated: November 29, 2017

22 /s/ Gary S. Austin
23 UNITED STATES MAGISTRATE JUDGE
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