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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	JOHN WILLIAMS,	1:17-cv-00300-DAD-GSA-PC
12	Plaintiff,	FINDINGS AND RECOMMENDATION,
13	vs.	RECOMMENDING THAT THIS CASE BE DISMISSED, WITH PREJUDICE, FOR FAILURE TO STATE A CLAIM
14	DAVID DAVEY, et al.,	(ECF No. 1.)
15	Defendants.	OBJECTIONS, IF ANY, DUE IN FOURTEEN (14) DAYS
16		(14) DA15
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21	John Williams ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis	
22	with this civil rights action pursuant to 42 U.S.C. § 1983. On March 3, 2017, Plaintiff filed the	
23	Complaint commencing this action. (ECF No. 1.)	
24	On October 3 2017 the court issued an order dismissing Plaintiff's Complaint for	

On October 3, 2017, the court issued an order dismissing Plaintiff's Complaint for failure to state a claim, with leave to file an amended complaint within thirty days. (ECF No. 9.) The thirty-day deadline has now expired, and Plaintiff has not filed an amended complaint or otherwise responded to the court's order. As a result, there is no pleading on file which sets forth any claims upon which relief may be granted.

Accordingly, **IT IS HEREBY RECOMMENDED** that pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this case be DISMISSED, with prejudice, based on Plaintiff's failure to state a claim upon which relief may be granted under § 1983.

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

IT IS SO ORDERED.

Dated: November 17, 2017

/s/ Gary S. Austin UNITED STATES MAGISTRATE JUDGE