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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CHRISTOPHER JOHN WILSON,

Plaintiff,

v.

TUOLUMNE COUNTY, et al.,

1:17-cv-01354-LJO-GSA-PC

**FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS CASE BE
DISMISSED, WITH PREJUDICE, FOR
FAILURE TO STATE A CLAIM
(ECF No. 1.)**

**OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS**

Christopher John Wilson (“Plaintiff”), a Tuolumne County Jail inmate, is proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. On October 10, 2017, Plaintiff filed the Complaint commencing this action. (ECF No. 1.)

The court screened the Complaint and issued an order on July 23, 2018, dismissing the Complaint for failure to state a claim, with leave to file an amended complaint within 30 days. (ECF No. 9.) The thirty-day deadline has 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.

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

2 1. Pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e), this case be
3 DISMISSED, with prejudice, based on Plaintiff's failure to state a claim upon
4 which relief may be granted under § 1983; and

5 2. This dismissal be subject to the "three strikes" provision of 28 U.S.C. § 1915(g).

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

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14 IT IS SO ORDERED.

15 Dated: September 7, 2018

16 /s/ Gary S. Austin
17 UNITED STATES MAGISTRATE JUDGE
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