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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 NORBERTO SERNA,

12 Plaintiff,

13 v.

14 SULLIVAN, et al.,

15 Defendants.  
16  
17  
18

1:18-cv-01650-LJO-GSA-PC

**FINDINGS AND RECOMMENDATIONS,  
RECOMMENDING THAT THIS CASE BE  
DISMISSED, WITH PREJUDICE, FOR  
FAILURE TO STATE A CLAIM, FAILURE TO  
OBEY A COURT ORDER, AND FAILURE TO  
PROSECUTE  
(ECF No. 14.)**

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

19 Norberto Serna (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis*  
20 with this civil rights action pursuant to 42 U.S.C. § 1983 and Title II of the Americans with  
21 Disabilities Act (ADA), 42 U.S.C. § 12132. On June 11, 2018, Plaintiff filed the Complaint  
22 commencing this action at the United States District Court for the Northern District of California.  
23 (ECF No. 1.) The Complaint was not signed. On August 15, 2018, the Northern District court  
24 notified Plaintiff that he had not signed the Complaint, and on August 27, 2018, Plaintiff re-  
25 submitted the Complaint bearing his signature. (ECF No. 5.)

26 On November 19, 2018, the Northern District court dismissed Plaintiff’s claims against  
27 Santa Clara County Superior Court and transferred the remaining claims to this court. (ECF No.  
28 9.)

1 On September 27, 2019, the court screened the signed Complaint and issued an order  
2 dismissing the Complaint for failure to state a claim and for violation of Rule 18 of the Federal  
3 Rules of Civil Procedure, with leave to file an amended complaint within thirty days. (ECF No.  
4 14.) The thirty-day deadline has now expired and Plaintiff has not filed an amended complaint  
5 or otherwise responded to the court's order. As a result, there is no pleading on file which sets  
6 forth any claims upon which relief may be granted.

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

- 8 1. Pursuant to 28 U.S.C. § 1915A, this case be DISMISSED, with prejudice, based  
9 on Plaintiff's failure to obey a court order, failure to prosecute, violation of Rule  
10 18(a), and failure to state a claim upon which relief may be granted under § 1983  
11 or the ADA; and
- 12 2. The Clerk be directed to close this case.

13 These findings and recommendations are submitted to the United States District Judge  
14 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). **Within fourteen**  
15 **(14) days** from the date of service of these findings and recommendations, Plaintiff may file  
16 written objections with the court. Such a document should be captioned "Objections to  
17 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file  
18 objections within the specified time may result in the waiver of rights on appeal. Wilkerson v.  
19 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394  
20 (9th Cir. 1991)).

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22  
23 IT IS SO ORDERED.

24 Dated: December 5, 2019

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE