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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES L. BROOKS,
Plaintiff,
vs.
KELLY SANTORO, et al.,
Defendants.

1:19-cv-00599-AWI-GSA-PC
FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS CASE
BE DISMISSED, WITH PREJUDICE,
FOR FAILURE TO STATE A CLAIM
(ECF No. 11.)
OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN (14) DAYS

On July 30, 2020, the Court dismissed Plaintiff's Complaint for failure to state a claim, with leave to file a First Amended Complaint within thirty days. (ECF No. 11.) On October 9, 2020, Plaintiff was granted a forty-five day extension of time to file the First Amended Complaint. (ECF No. 14.) The forty-five day time period has now expired and Plaintiff has not filed a First Amended Complaint nor requested a further extension of time. 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. The Clerk be directed to CLOSE this case.

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** from 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 result in the waiver of rights on appeal. Wilkerson v.
12 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394
13 (9th Cir. 1991)).

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15 IT IS SO ORDERED.

16 Dated: January 6, 2021

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