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

CALVIN HOLT,
Plaintiff,
vs.
M. ALVARADO, et al.,
Defendants.

**1:19-cv-00930-NONE-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 IN
FOURTEEN (14) DAYS**

Calvin Holt (“Plaintiff”) is a state prisoner proceeding pro se with this civil rights action pursuant to 42 U.S.C. § 1983. On March 19, 2019, Plaintiff filed the Complaint commencing this action in the Kings County Superior Court in Hanford, California, case number 19C0135. (ECF No. 1 at 5.) On July 3, 2019, the case was removed to Federal court under 28 U.S.C. § 1441(a) by defendants M. Alvarado, A. Shaw, S. Sherman, and M. Owens (“Defendants”). (Id. at 1.)

On August 21, 2020, the court screened Plaintiff’s Complaint under 28 U.S.C. § 1915A and dismissed the Complaint for failure to state a claim, with leave to amend 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.

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

- 2 1. Pursuant to 28 U.S.C. § 1915A, this case be DISMISSED, with prejudice, based on
3 Plaintiff's failure to state a claim upon which relief may be granted under § 1983;
4 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 Magistrate
10 Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within
11 the specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d
12 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

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14 IT IS SO ORDERED.

15 Dated: November 23, 2020

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